

REORGANIZATION MEETING

The Franklin Township Committee held their annual reorganization meeting on Monday, January 3, 2022, at the hour of approximately 7:00 p.m. Kevin Benbrook, Municipal Attorney, 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, Attorney Benbrook swore in Committeeperson-elect David Guth and Mike Toretta, for a (3) three year, Full-term, on the Franklin Township Committee, Term of office January 1, 2022 - December 31, 2024.

Roll Call of Committeepersons present: Richard Herzer, Mike Ferri, Bonnie Butler, Michael Toretta, David Guth
(5)Yes, (0) No, (0) Absent. Motion carried

Present were: Kevin Benbrook, Municipal Attorney, Jim Onembo, Zoning/Code Enforcement Officer, Joe Biel, DPW Foreman

Nominations for Mayor for the year 2022 were opened, Rich Herzer nominated Mike Toretta and David Guth seconded the motion. Rich Herzer made motion to close nominations for Mayor seconded by David Guth. All in favor to close nomination for Mayor.

Roll Call Vote for Mayor: Bonnie Butler, Mike Ferri, David Guth, Rich Herzer, Michael Toretta,
(5) Yes, (0) No (0) Absent, Motion carried.

Chair declares Mike Toretta is Mayor for 2022.

Nominations for Deputy Mayor for the year 2022 were opened, Rich Herzer declined his nomination. Rich Herzer nominated David Guth and Mike Toretta seconded the nomination. Rich Herzer made motion to close nominations for Deputy Mayor and seconded by Mike Toretta. All in favor to close nomination for Deputy Mayor.

Roll Call Vote for Deputy Mayor: Richard Herzer, Mike Ferri, Bonnie Butler, Michael Toretta, David Guth. (5)Yes, (0) No, (0) Absent. Motion carried

Chair declares David Guth is Deputy Mayor for 2022.

Attorney Benbrook swore in Mike Toretta as Mayor for a one (1) year term, and David Guth as Deputy Mayor, for a one (1) year term for the year 2022.

At this time, the remainder of the meeting was turned over to Mayor Toretta.

ROLL CALL OF COMMITTEE PRESENT: Richard Herzer, David Guth, Mike Ferri, Bonnie Butler, Michael Toretta.
(5) Yes, (0) No, (0) Absent

APPROVALS

On motion by Bonnie Butler and seconded by Mike Ferri the following Regular Meeting Minutes of December 6, 2021, and the Executive Meeting Minutes of December 6, 2021, and the Year End Meeting Minutes of December 27, 2021, were accepted as posted. All in favor, Bonne Butler-Yes, Mike Ferri-Yes, Rich Herzer-Yes, Mike Toretta-Yes, David Guth-abstained from ALL meeting minutes.

REPORT/UPDATES

NJSP – no representation present this evening

INTRODUCTION/ADOPTION

Continuing, Mayor Toretta, presented various **Resolutions 1-24** by number and briefing as to what each one represented as follows:

RESOLUTION 2022-1

**RESOLUTION OF THE TOWNSHIP COMMITTEE
OF THE TOWNSHIP OF FRANKLIN, COUNTY OF WARREN
AND STATE OF NEW JERSEY DESIGNATING
REGULAR MEETING DATES / TIMES**

BE IT RESOLVED, by the Township Committee of the Township of Franklin, County of Warren, and State of New Jersey that the regular meetings of the Township Committee for the year 2022 shall be held the first Monday of each month, unless otherwise indicated below, at the Franklin Township Municipal Building, Broadway, N.J. at the hour of 7:00 p.m.

WHEREAS Section 13 of the Open Public Meetings Act, Chapter 231, P.L. 1975, requires that at least once a year, not later than January 10th of such year, this public body shall post and mail to newspapers designated by said body, a schedule of the location, time and date of such work sessions and regular meetings of said body during the succeeding year.

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

The Franklin Township Committee chose the following meeting dates for the year **2022**.

TAKE NOTICE that pursuant to provisions of Section 231 of the "Open Public Meetings Act" Chapter 231, PL 1975 the following is a schedule of the Regular Meetings of the Franklin Township Committee of the Township of Franklin, County of Warren to be held for the year **2022**. All meetings unless otherwise indicated, shall be held at 7:00 p.m. at the Franklin Township Municipal Building, 2093 Rt. #57, Broadway, N.J. 08808. **Please check our website monthly as to any changes to meeting location and/or Virtual Instructions.**

January 3 (*Re-Org Mtg.*)

February 7 **

March 7

April 4

May 2

June 6

July 11

August 1

September 6 (*Tuesday*)

October 3

November 7

December 5

December 28 (*Wednesday-Year End Mtg.*)

****The February 7th, 2022, meeting will begin at 5:00 p.m. to meet with the Municipal Auditor for a Budget Workshop and the regular township meeting session will begin at approximately 7:00 p.m.**

***Workshop Meetings listed below will be held, IF, there are Agenda Items to discuss, on the second Monday of the following months at 7:00 pm at the Municipal Building, 2093 Rt. 57, Broadway, NJ, and/or virtual, official action MAY be taken at all workshop meetings: March 14, April 11, May 9, June 13**

Dated: January 3, 2022

Disposition

- 1. Express-Times NJ Zone
 - 2. Star Ledger
 - 3. Clerk’s Office
- Municipal Building Broadway, N.J.
08808

RESOLUTION 2022-2

BE IT RESOLVED, by the Township Committee of the Township of Franklin, County of Warren, and State of New Jersey that the regular meetings of the Franklin Township Historical Commission for the year 2022 shall be held the third Monday of each month at the Franklin Township Municipal Building, 2093 Rt. 57, Broadway, N.J. at the hour of 7:00 p.m. unless otherwise noted.

The Franklin Township Historical Commission chose the following meeting dates for the year 2022.

TAKE NOTICE that pursuant to provisions of Section 231 of the "Open Public Meetings Act" Chapter 231, PL 1975 the following is a schedule of the Regular Meetings of the Franklin Township Historical Commission, of the Township of Franklin, County of Warren to be held for the year 2022. All meetings unless otherwise indicated shall be held at 7:00 p.m. at the Franklin Township Municipal Building, 2093 Rt. #57, Broadway, N.J. 08808.

January	No Meeting	July	No Meeting
February	No Meeting	August	No Meeting
March	21	September	19
April	18	October	17
May	16	November	21
June	20	December	19

Dated: January 3, 2022

Disposition

- 1. Express-Times NJ Zone
 - 2. Clerk’s Office
- Municipal Building Broadway, N.J.
08808

RESOLUTION 2022-3

WHEREAS, the Township Committee of the Township of Franklin, County of Warren, State of New Jersey deems it necessary to incorporate a purchase order system so that the State Directive requiring an encumbrance system be enacted, and

WHEREAS, by Order of the Mayor and Committee that system be initiated, utilizing pre-numbered purchase orders, and encumbering any purchase of \$1,000.00 or over

WHEREAS P.L. 1983, chapter 8, Local Fiscal Affairs Law, N.J.S.A. 40A 59-2 has been amended to require that each municipality designate a Cash Management Plan for the deposit of local unit’s monies.

BE IT RESOLVED that the following Cash Management Plan be adopted by the Township of Franklin.

A. Designation of Official Depositories:

- 1. The following institutions are designated Official Depositories.

PNC Bank	Unity Bank	Valley Bank
Chase Manhattan Bank	Fulton Bank	

2. Designated Official Depositories are required to submit to the Financial Officer of the Township of Franklin a copy of the State of New Jersey, Department of Banking, Governmental Unit Deposit Protection Act notification of eligibility which must be filed semi-annually in the Department of Banking, as of June 30th, and December 31st, of each year.

- 3. Designated Official Depositories are required to submit to the Financial

Officer a copy of the Institutions' Annual Report on an annual basis.

B. Deposit of Funds

All funds shall be deposited within forty-eight hours (48) of receipt in accordance with State Statutes.

1. Operating funds shall be deposited into interest bearing accounts to maximize earnings.

2. Trust funds may be deposited into interest bearing accounts, Non interest bearing accounts should be regularly monitored for availability of funds for investment except where either State, Federal laws or Local Ordinances prohibit the earnings of interest on such funds.

C. Designation of Allowable Investment Instruments

The Township may permit deposits and investments in such depositories as permitted in section 4 of P.L. 1970 Chapter 23666 (c. 17:9-44)

D. Definitions of Acceptable Collateral and Protection of Township Assets.

1. All designated depositories must conform to all applicable state statutes.

2. All depositories shall obtain the highest amount possible F.D.I.C., and or F.S.L.I.C. coverage of all Township Assets. (Demand and Certification of Deposits.).

3. Collateral will be required for all deposits and investment of the Township except for those in the State Cash management fund, collateral must have a market value of not less than 100% of all deposits and investments

E. Reporting Procedures:

The Financial Officer shall prepare for the Township Committee for the following investment reports.

1. Monthly reporting: A listing of all investments as part of the Financial Officer's monthly report.

2. The Financial Officer shall prepare a schedule of outstanding investments for the independent auditors as of December 31st, of each year and at other such times as required by the auditors.

F. Maximum Maturity Policy:

Investments shall be limited to a maturity not to exceed one year on all operating funds unless a longer maturity is permitted within the provisions of regulation promulgated by either the Federal or State Government.

G. Bonding:

The following Official shall be covered by surety bonds, said surety bonds to be examined by the Independent Auditor to insure their proper execution:

- Financial Officer
- Tax Collector

Staff members of the Department of Finance not covered by separate surety bonds shall be covered by a Public Employees Faithful Performance Bond in the minimum amount of \$5,000.00.

H. Compliance:

The Cash Management Plan of the Township of Franklin shall be subject to the annual audit conducted pursuant to N.J.S.A. 40A:5-4.

RESOLUTION 2022-4

BE IT RESOLVED, by the Township Committee of the Township of Franklin, County of Warren, and State of New Jersey, that all merchants of Franklin Township, County of Warren, doing retail business within the Township be obligated to obtain a mercantile license in the amount of \$50.00 during the month of January. Penalty after February 28, 2022, to be an additional \$10.00.

RESOLUTION 2022-5

BE IT RESOLVED, by the Township Committee of the Township of Franklin, County of Warren, and State of New Jersey that the following job titles for the year 2022 be made

DPW Foreman	Joe Biel, Sr.
Road Laborer II	Brandon Lisa
Road Laborer I	Daniel Tampier
Municipal Clerk	Denise L. Becton
Office Assistant	Margaret Housman (retiring March 31, 2022)
Chief Financial Officer	Share w/White Township
Tax Collector	Karin Kneafsey
Tax Assessor	Craig Brotons
Asst. Treasurer	Denise L. Becton
Construction Official	NJ Dept. of Comm. Affairs
Dog Licensing Officials	Denise L. Becton/Margaret Housman
Animal Control Officer	Share w/Washington Twp., Long Valley, NJ
Health Officer	(5) Twsp. Comm. Members & Zoning Officer
Emergency Management Coordinator	Raymond Read
Deputy Emergency Mgt. Coordinator	Denise L. Becton
9-1-1 Coordinator	Raymond Read
Zoning Officer	James Onembo
Land Use Board Secretary	Margaret Housman (retiring March 31, 2022)
Open Space Clerk	Margaret Housman (retiring March 31, 2022)
Tax Search Officer	Karin Kneafsey
Assessment Search Officer	Denise L. Becton

Registrar Vital Statistics
Deputy Registrar Vital Statistics
Alternate Deputy Registrar
Municipal Judge
Municipal Prosecutor
Alt. Prosecutor
Public Defender
Alt. Public Defender
Sgt. At Arms
Court Administrator
Recycling Coordinator
Site Manager
Maintenance/Event Supervisor

Denise L. Becton
Kelley D. Smith, Harmony Twp.
Margaret Housman (retiring March 31, 2022)
Honorable Nicole Lena, Share w/Town of Belvidere
Share w/Town of Belvidere
John Caleca, Share w/Town of Belvidere
Scott Wilhelm, Esq., Share w/Town of Belvidere
Gregory Gianforaro, Share w/Town of Belvidere
Share w/Town of Belvidere
Dawn Decker, Share w/Town of Belvidere
Margaret Housman (Retiring March 31, 2022)

**Resolution 2022-6
TEMPORARY BUDGET**

WHEREAS Title 40A:4-19 known as the Local Budget Law, provides that where any contracts, commitments or payments are to be made prior to the final adoption of the 2021 budget, temporary appropriations be made for the purposes and amounts required in the manner and time therein provided, and.

WHEREAS the total appropriations in the 2020 budget, less appropriations made for the Capital Improvement Fund, Debt Service, Relief for the Poor (Public Assistance) and Deferred Charges are as follows:

General Fund: \$2,030,936.00

AND,

WHEREAS 26.25% of the total appropriations in the 2020 budget, less the appropriations made for Capital Improvement Fund, Debt Service, Relief for the Poor (Public Assistance), and Deferred Charges are as follows,

General Fund: \$533,120.70

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Franklin, County of Warren that the temporary appropriations be made in the amount of \$503,160.04 for the General Fund and that a certified copy of this resolution be transmitted to the Chief Financial Officer for recordkeeping.

**FRANKLIN TOWNSHIP
WARREN COUNTY, NEW JERSEY
RESOLUTION 2022-7**

**RESOLUTION AUTHORIZING THE AWARD OF A FAIR AND OPEN CONTRACT FOR
PROFESSIONAL SERVICES FOR THE YEAR 2022**

WHEREAS, the Township of Franklin has a need to acquire professional services as a fair and open contract pursuant to provisions of *NJ.S.A. 19:44A-20.5*; and,

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the acquisition will exceed \$17,500; and,

WHEREAS the anticipated term of this contract is one year; and,

WHEREAS the following professionals have submitted contracts for services as indicated:

- Municipal Attorney; Kevin Benbrook of the firm Benbrook & Benbrook, LLC
- Municipal Planner; Jim Kyle of the firm Kyle Planning and Design
- Municipal Bond Counsel; John Draikiwicz of the firm Gibbons P.C.
- Municipal Auditor; John J. Mooney, CPA, RMA, Nisivoccia, LLP
- Open Space/Farmland Preservation Advisor; The Land Conservancy of NJ

WHEREAS each professional has completed and submitted a Business Entity Disclosure Certification which certified that each professional has not made any reportable contributions to a political or candidate committee in the Township of Franklin in the previous one year, and that the contract will prohibit the professional from making any reportable contributions through the term of the contract; and,

WHEREAS, the required certificate for the availability of funds has been filed by the chief financial officer providing that legally appropriated balances are available to cover the amount of the contract as required by N.J.A.C. 5:30-14.5 and that fees for the aforementioned professional services shall be made available by appropriate inclusion in either an annual municipal budget which includes current, revenue sharing and utility provisions, by budget amendments for Federal program spending or by inclusion in an appropriate bond ordinance.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Franklin, authorizes the Mayor and Clerk of the Township of Franklin to enter in a contract with each professional as described herein on behalf of the Township of Franklin for the year 2022; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and Determination of Value be placed on file with this resolution; and,

BE IT FURTHER RESOLVED that a notice of this action shall be printed once in a legally designated publication.

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 January 3, 2022.

Denise L. Becton, Municipal Clerk
Franklin Township

RESOLUTION 2022-8

WHEREAS it is resolved that the Mayor and Township Committee of each municipality in the County of Warren, in order to file Municipal Tax Appeals, pass a Resolution allowing the Attorney for the Municipality, to file and prosecute said appeals.

NOW, THEREFORE BE IT RESOLVED, by a majority of the members of the Governing Body of the Township of Franklin, County of Warren, State of New Jersey, that the Municipal Attorney and/or Special Counsel are hereby authorized to file, prosecute, stipulate, modify, agree upon, and otherwise perform the duties which are required of said Attorney, in the process of prosecution and/or filing of Municipal Tax Appeals.

IT IS THEREFORE, on this 3rd day of January 2022, Resolved as aforesaid by the Township Committee of the Township of Franklin, in the County of Warren and State of New Jersey.

RESOLUTION 2022-9

WHEREAS, the Township Committee of the Township of Franklin, County of Warren, State of New Jersey, desires not to refund tax overpayments under the amount of \$10.00.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee of said Township of Franklin that all tax over-payments under the amount of \$10.00 shall not be refunded but shall be applied to the subsequent quarter's tax receivable.

RESOLUTION 2022-10

**RESOLUTION OF THE TOWNSHIP OF FRANKLIN,
COUNTY OF WARREN, STATE OF NEW JERSEY,
FIXING THE RATE OF INTEREST TO BE CHARGED
ON DELINQUENT TAXES OR ASSESSMENTS**

WHEREAS N.J.S.A. 54:4-67 permits the governing body of each municipality to fix the rate of interest to be charged for non-payment of taxes or assessments subject to any abatement or discount for the late payment of taxes as provided by law; and

WHEREAS, N.J.S.A. 54-4-67 has been amended to permit the fixing of said rates of 8% per annum on the first, \$1,500.00 and allows an additional penalty of 6% be collected against a delinquency in excess of \$10,000.00 on properties that fail to pay the delinquency prior to the end of the calendar year.

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

1. The Tax Collector is hereby authorized and directed to charge 8%.per annum on the first \$1,500.00 of taxes becoming delinquent after due date and 18%.per annum on any amount of taxes in excess of \$1,500.00 becoming delinquent after due date and if a delinquency is in excess of \$10,000.00 and remains in arrears beyond December 31st an additional penalty of 6% shall be charged against the delinquency.
2. Effective January 1, 2021, there will be a ten (10) day grace period of quarterly tax payments made by cash, check or money order.
3. Any payments not made in accordance with paragraph two (2) of this resolution shall be charged interest from due date as set forth in paragraph one (1) of this resolution.
4. This Resolution shall be published in its entirety in the Express Times-NJ Zone, the official newspaper of the Township of Franklin.
5. A certified copy of this Resolution be provided by the Township Clerk to the Tax Collector, Township Attorney and Township Auditor for the Township of Franklin.

Dated: January 3, 2022

RESOLUTION 2022-11

WHEREAS, the Franklin Township Committee has deemed it necessary to appoint the following members to the Local Board of Health for a period of one (1) year.

- Jim Onembo
- Rich Herzer
- Mike Toretta
- David Guth
- Mike Ferri
- Bonnie Butler

Resolution 2022-12

WHEREAS there exists vacancies on the newly enacted Public Safety Committee and;

WHEREAS the following appointments to fill said vacancy for a period of one year has been enacted, and:

NOW, THEREFORE, BE IT RESOLVED, that the following individuals take their place on the Public Safety Committee for a period of one-year effective January 3, 2022.

- Township Committee members
- Bonnie Butler–Mike Toretta
- Fire Chief Jan Verkade
- Deputy Fire Chief Dave Brown
- EMS Captain Karen Chiu
- OEM Coordinator – Raymond Read
- Deputy OEM Coordinator- Denise L. Becton
- Kathleen Reinalda, CFO

**RESOLUTION 2022-13
APPOINTMENT OF MUNICIPAL
AGRICULTURE ADVISORY BOARD**

WHEREAS, the Franklin Township Committee has deemed it necessary to appoint the following members to the Municipal Agriculture Advisory Board that shall be appointed by the Mayor of the Township of Franklin. The appointments are for the year 2022.

- Joel Reger
- Bonnie Butler

RESOLUTION 2022-14

WHEREAS there remains on the records and books of the Township of Franklin delinquent taxes and municipal charges owing as of December 31, 2021; and

WHEREAS, the statutes of the State of New Jersey, expressly N.J.S.A. 54:5 et seq., provide for the enforcement and collection of such delinquencies through a tax lien sale; and

WHEREAS the Tax Collector is empowered by statute to conduct and preside over the sale of liens.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Township of Franklin, that the Tax Collector is hereby authorized and directed to sell all municipal liens in accordance with New Jersey law, on or before December 31, 2021.

RESOLUTION 2022-15

WHEREAS, N.J.S.A. 40A: 4-19 provides authority for appropriating in a resolution the permanent debt service requirements for the coming fiscal year providing that such resolution is not made earlier than December 20th, of the year preceding the beginning of the fiscal year; and

WHEREAS the date of this resolution is subsequent to December 19th.; and

WHEREAS principal and interest will be due on dates from January 1st to December 31st, inclusive, on sundry bonds and notes issued and outstanding; and

NOW, THEREFORE, BE IT RESOLVED, that the following appropriations be made to cover the period from January 1st to December 31st inclusive.

Principal	\$215,328.00
Interest	\$ 13,000.00

RESOLUTION 2022-16

SCHOOL BOARD RECOGNITION MONTH

WHEREAS New Jersey's public schools serve more than 1.2 million children from Kindergarten through Grade 6; and,

WHEREAS the direction of public education in New Jersey is chartered locally by individual school boards, whose 4,800 members serve as advocates for public education as they work with administrators, teachers, parents and local residents; and

WHEREAS Boards of Education provide accountability to the democratic system of governing the schools by communicating the needs of the district to the community while impressing upon administrators the public's expectations for the school district; and

WHEREAS School Board members receive no remuneration for their services; and

WHEREAS The Township of Franklin is justly proud of the academic, athletic, and social achievements of the students in our community; and,

WHEREAS, the New Jersey State Board of Education and the New Jersey School Boards Association have declared January 2022 to be School Board Recognition Month, a time that all residents might acknowledge the contributions made by our local school board members; and

NOW, THEREFORE, BE IT RESOLVED, that the Franklin Township Committee does hereby commend the service of the Franklin Township Board of Education and its members to our community and its children; and be it further

RESOLVED, that the Franklin Township Committee proclaims January as **SCHOOL BOARD RECOGNITION MONTH** in Franklin Township and urges all citizens to join in recognizing the dedication of local school board members, past and present, as we work together to improve educational opportunities for our children.

Dated: January 3, 2022

RESOLUTION 2022-17

Public Agency Compliance Officer

WHEREAS The Township of Franklin (hereinafter "Public Agency") in accordance with N.J.A.C. 17:27-3.5 that each agency shall designate a Public Agency Compliance Officer; and

WHEREAS the New Jersey Department of Treasury, Division of Contracts Compliance and Equal Employment Opportunity in Public Contracts; and

NOW, THEREFORE, BE IT RESOLVED by the governing body of The Township of Franklin, in the County of Warren and State of New Jersey, as follows:

1. The Township of Franklin hereby designates Denise L. Becton, as its Public Agency Compliance Officer.

**RESOLUTION
2022-18**

**JOINING THE WARREN COUNTY
COOPERATIVE PRICING COUNCIL (WCCPC)**

**A RESOLUTION AUTHORIZING THE TOWNSHIP OF FRANKLIN
TO ENTER INTO A COOPERATIVE PRICING AGREEMENT WITH THE WARREN COUNTY COOPERATIVE
PRICING COUNCIL HEREIN AFTER REFERRED TO AS THE “LEAD AGENCY” FOR THE CONDUCT OF CERTAIN
FUNCTIONS RELATING TO THE PURCHASE OF WORK MATERIALS AND SUPPLIES FOR THEIR RESPECTIVE
JURISDICTIONS.**

BE IT RESOLVED by Franklin Township of the Township of Franklin, County of Warren, and State of New Jersey:

This Resolution shall be known and may be cited as the Cooperative Pricing Resolution of the Township of Franklin

Pursuant to the provisions of N.J.S.A. 40A: 11-11(5), the mayor is authorized to enter into a Cooperative Pricing Agreement with the Warren County Cooperative Pricing Council for the purchase of work, materials and supplies

The Warren County Cooperative Pricing Council entering into contracts on behalf of the Township of Franklin shall be responsible for complying with the provisions of Local Public Contracts Law (N.J.S.A. 40A: 11-1 et seq.) and all other provisions of the revised statutes of the State of New Jersey.

All Resolutions or parts inconsistent with this Resolution shall be and the same are hereby repealed.

RESOLUTION 2022-19

WHEREAS, the Franklin Township Committee has deemed it necessary to appoint the following members to the Land Use Board that shall be appointed by the Mayor of the Township of Franklin. The appointments for the year 2022 for the coming year were made on January 3, 2022 as follows.

Mayor, Mike Toretta, Class I	1yr.	exp. 12/22
Jim Onembo, Class II	1yr.	exp. 12/22
Rich Herzer, Class III	1 yr.	exp. 12/22
Daniel Kubik, Alt. #1	1 yr.	exp. 12/22
Michael Balogh, Alt. #2	1 yr.	exp. 12/22

RESOLUTION 2022-20

WHEREAS, the Franklin Township Committee has deemed it necessary to appoint the following members to the Open Space Commission that shall be appointed by the Mayor of the Township of Franklin. The appointments for the year 2022 for the coming year were made on January 3, 2022, as follows.

Daniel Kubik	3yr.	exp. 12/24
Rich Herzer, Alt. #1	1yr.	exp. 12/22
Bill Rymon	3yr.	exp. 12/24
Sara Pyskaty, Alt. #2	1yr.	exp. 12/22

RESOLUTION 2022-21

**RESOLUTION AUTHORIZING THE MUNICIPAL COURT OF THE
TOWNSHIP OF FRANKLIN TO ENGAGE A
MUNICIPAL JUDGE, PROSECUTOR AND OTHER COURT PERSONNEL**

WHEREAS, the Township of Franklin, Warren County, New Jersey, has entered an interlocal municipal services agreement for the creation of a shared municipal court with the Town of Belvidere; and

WHEREAS, this court is known as the Municipal Court of the Township of Franklin; and

WHEREAS, the Municipal Court requires the services of a Judge, Municipal Prosecutor, Court Administrator, and other Court personnel for the Calendar Year 2022; and

WHEREAS, pursuant to the Interlocal Services Agreement, the Municipal Court of Franklin appoints the Judge, Prosecutor and other Court personnel appointed by the Town of Belvidere as the lead agency.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Committee of the Township of Franklin, County of Warren, State of New Jersey, that the following Court appointments be and hereby are made for the Municipal Court of the Township of Franklin for Calendar Year 2022:

Municipal Court Judge – Honorable Nicole Lenar – 3 Year Term – 1/1/2021 – 12/31/2023
Prosecutor – Roger Skoog, Esq.
Alt. Prosecutor – John Caleca
Court Administrator – Dawn Decker
Public Defender - Scott Wilhelm, Esq.
Alt. Public Defender – Gregory Gianforcaro

RESOLUTION 2022-22

RISK MANAGEMENT CONSULTANT

WHEREAS Franklin Township (Warren) has resolved to join the Public Alliance Insurance Coverage Fund (“PAIC) following a detailed analysis of the PAIC proposal for the 2022 Fund year; and

WHEREAS the Bylaws of PAIC require that each entity designate a Risk management Consultant to perform various professional services as detailed in the Bylaws and Risk management Plan; and

WHEREAS, the Bylaws indicate that PAIC shall pay each Risk Management Consultant a fee to be established annually by the Executive Committee;

NOW THEREFORE, BE IT RESOLVED that Franklin Township, Warren County, NJ does hereby appoint Charles R. Frinzi/Ahart, Frinzi & Smith as its Risk Management Consultant in accordance with the Fund’s Bylaws.

RESOLUTION 2022-23

Musconetcong River Management Counsel

WHEREAS, the Franklin Township Committee has deemed it necessary to appoint the following members to the Municipal River Management Counsel that shall be appointed by the Mayor of the Township of Franklin. The appointments are for the year 2022.

Beth Styler Barry - Primary
Vacant - Alternate

RESOLUTION 2022-24

WHEREAS, N.J.S.A. 40A:5-21 authorizes the establishment of a Petty Cash Fund in any county or municipality by application and resolution; and,

WHEREAS, it is the desire of the Township Committee of the Township of Franklin, County of Warren to establish such a fund for the Department of Public Works in the amount of \$500.00; and

WHEREAS, the custodian for this fund is Joe Biel, who is bonded for the Blanket Amount of \$1,000,000.00; such custodian shall maintain records for this fund in a manner conducive to proper accounting and auditing procedures;

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Franklin hereby authorizes such action and that two copies of this resolution be filed with the Division of Local Government Services, New Jersey Department of Community Affairs for approval.

On motion by Mike Ferri and seconded by Rich Herzer the aforementioned **Resolutions 2021-1, 2, 3, 4, 5, 6, 7,8, 9, 10, 11, 12, 13,14, 15, 16,17, 18, 19, 20, 21, 22, 23, 24** be adopted as read for the 2022 year.

Roll Call Vote	Yes	No	Absent/Abstained
David Guth	X		
Rich Herzer	X		
Bonnie Butler	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 Resolution 2022-1 - Resolution 2022-24 approved by the Township Committee of the Township of Franklin at a regular meeting held on January 3, 2022.

Denise L. Becton, Municipal Clerk
Franklin Township

FIRST READING AND INTRODUCTION – Ordinance 2022-1, Ordinance 2022-2, Ordinance 2022-3

**ORDINANCE 2022-1
CALENDAR YEAR 2022
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO
ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year’s final appropriations, subject to certain exceptions; and,

WHEREAS N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS the Franklin Township Committee of the Township of Franklin in the County of Warren finds it advisable and necessary to increase its CY 2022 budget by up to 3.5% over the previous year’s final appropriations, in the interest of promoting the health, safety and welfare of the citizens: and,

WHEREAS the Franklin Township Committee hereby determines that a 1.0% increase in the budget for said year, amounting to \$13,057.36 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary: and,

WHEREAS the Franklin Township Committee hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Franklin Township Committee of the Township of Franklin, in the County of Warren, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2022 budget year, the final appropriations of the Township of Franklin shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$ 45,700.76, and that the CY 2022 municipal budget for the Township of Franklin be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years: and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction: and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

On motion by Committeeperson Mike Ferri and seconded by Committeeperson Rich Herzer the aforementioned **Ordinance 2022-1** be adopted at first reading. Final reading and adoption to take place on **February 7, 2022, at 7:00 p.m.**

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 Committeeperson _____ and seconded by
Committeeperson _____ the aforementioned ordinance be adopted at final reading.

Roll Call Vote	Yes	No	Absent/Abstain			
Bonnie Butler						
David Guth						
Rich Herzer						
Michael Toretta						
Mike Ferri	() 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 January 3, 2022. Second reading, public hearing will be held on February 7, 2022, at or near 7:00 PM in the Franklin Township Municipal Building, 2093 Rt. 57, Broadway, New Jersey.

Denise L. Becton, RMC/CMR

ORDINANCE 2022-2

ORDINANCE TO AUTHORIZE CHARITABLE ORGANIZATIONS TO SOLICIT CONTRIBUTIONS IN THE ROADWAYS OF THE TOWNSHIP OF FRANKLIN

BE IT ORDAINED By the Township Committee of the Township of Franklin, in the County of Warren, New Jersey, that, pursuant to N.J.S.A. 39:4-60, that the Franklin Township Fire Department and the Franklin Township EMS be and hereby are authorized to solicit contributions on any municipal, county, or state highway or intersection located within the Township of Franklin; and

BE IT FURTHER ORDAINED that any other charitable organization as defined in N.J.S.A. 45:17A-20 may, upon written request and approval by the Township Committee, solicit contributions on any municipal, county or state highway or intersection located within the Township of Franklin; and

BE IT FURTHER ORDAINED that solicitation on any county highway or intersection is herein made subject to the approval of the Warren County Board of Commissioners; and

BE IT FURTHER ORDAINED that solicitation on any state highway or intersection is herein made subject to the approval of the Commissioner of Transportation.

SECTION II.

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

SECTION III.

This ordinance shall be in full force and take effect immediately after final passage and publication, as required by law.

PUBLIC NOTICE

PLEASE TAKE NOTICE that the foregoing Ordinance was introduced and passed on first reading on the 3rd day of January 2022, 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 7th day of February 2022, at the Municipal Building, 2093 Route 57, Broadway, New Jersey.

Denise L. Becton, Clerk

Introduced: January 3, 2022
Adopted: February 7, 2022

On motion by Mike Ferri and seconded by Rich Herzer the aforementioned **Ordinance 2021-2** be adopted as read. Final reading and adoption to take place on February 7, 2022, **at 7:00 p.m. or near that hour.**

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 Committeeperson
the aforementioned **Ordinance 2022-2** be adopted as amended.

and seconded by

Roll Call Vote	Yes	No	Absent/Abstain
Bonnie Butler			
David Guth			
Rich Herzer			
Michael Toretta			
Mike Ferri	() 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 January 3, 2022. Second reading, public hearing will be held on February 7, 2022, at or near 7:00 PM in the Franklin Township Municipal Building, 2093 Rt. 57, Broadway, New Jersey.

Denise L. Becton, Municipal Clerk

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

WHEREAS, the Township of Franklin has a Stormwater Control Ordinance pursuant to the requirements in N.J.A.C. 7:8, and its Municipal Stormwater Permit; and

WHEREAS the Stormwater Control Ordinance is subject to change when the State amends N.J.A.C. 7:8; and

WHEREAS the State of New Jersey amended its Stormwater Management Rules at N.J.A.C. 7:8 on March 2, 2020; and

WHEREAS the municipalities in the State of New Jersey are required to amend their Stormwater Control Ordinances to align with the updated Stormwater Management Rules at N.J.A.C. 7:8 on or before March 2, 2021; and

WHEREAS, on March 1, 2021, the Township adopted revisions to Chapter 119 Stormwater Control (Ordinance 2021-03) pursuant to the aforementioned New Jersey Department of Environmental Protection rules; and

WHEREAS the Township of Franklin is a conforming Highlands municipality within the Preservation Area and the New Jersey Highlands Council in Appendix D of their Highlands Stormwater Management Program Guidance Document requires that conforming municipalities within the Preservation Area adopted certain Highlands required provisions within their Stormwater Management Ordinance.

WHEREAS the Warren County Planning Department in a letter dated April 21, 2021, to the Clerk provided comments on the Stormwater Management Ordinance; and

WHEREAS the amended Stormwater Management Rules at N.J.A.C. 7:8-4.6 require Stormwater Management Ordinances to includes provisions for mitigation where ordinance standards are not met.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF WARREN COUNTY, AND STATE OF NEW JERSEY, THAT CHAPTER 119 OF THE CODE OF THE TOWNSHIP OF FRANKLIN ENTITLED “STORMWATER CONTROL” IS AMENDED AS FOLLOWS:

Section One - Chapter 119 of the Code of the Township of Franklin entitled “Stormwater Control” is amended as follows:

Amend Section 119-2 Definitions to add or revise the following definitions:

“Carbonate Rock Area” means an area where rock consisting chiefly of calcium and magnesium carbonates such as limestone and dolomite, has been identified.

“County review agency” means an agency designated by the County Commissioners to review municipal stormwater management plans and implementing ordinance(s). The county review agency may either be:

1. A county planning agency or
2. A county water resource association created under N.J.S.A 58:16A-55.5, if the ordinance or resolution delegates authority to approve, conditionally approve, or disapprove municipal stormwater management plans and implementing ordinances.

“Current Deficit Area” means any United States Geological Survey 14-digit Hydrologic Unit Code subwatershed area that is identified in the Highlands Regional Master Plan as having negative Net Water Availability, meaning that existing consumptive and depletive water uses exceed the capacity of the ground water supply to sustain.

“Highlands Open Waters” means all springs, wetlands, intermittent and ephemeral streams, perennial streams and bodies of surface water, whether natural or artificial, located wholly or partially within the boundaries of the Highlands Region, but shall not mean swimming pools.

“Impervious surface” means any structure, surface, or improvement that reduces or prevents absorption of stormwater into land, and includes porous paving, paver blocks, gravel, crushed stone, decks, patios, elevated structures, and other similar structures, surfaces, or improvements. To be considered an impervious surface, the structure, surface or improvement must have the effect of reducing or preventing stormwater absorption.

“Karst” means a distinctive topography that indicates solution of underlying carbonate rocks (such as limestone and dolomite) by surface water or groundwater over time, often producing surface depressions, sinkholes, sinking streams, enlarged bedrock fractures, caves, and underground streams.

“Major development” means an individual “development,” as well as multiple developments that individually or collectively result in:

1. The disturbance of one or more acres of land since February 2, 2004.
2. The creation of one-quarter acre or more of “regulated impervious surface” since February 2, 2004.
3. The creation of one-quarter acre or more of “regulated motor vehicle surface” since March 2, 2021; or
4. A combination of 2 and 3 above that totals an area of one-quarter acre or more. The same surface shall not be counted twice when determining if the combination area equals one-quarter acre or more.

Major development includes all developments that are part of a common plan of development or sale (for example, phased residential development) that collectively or individually meet any one or more of paragraphs 1, 2, 3, or 4 above. Projects undertaken by any government agency that otherwise meet the definition of “major development” but which do not require approval under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., are also considered “major development.”

“Mitigation” means an action by an applicant providing compensation or offset actions for onsite stormwater management requirements where the applicant has demonstrated the inability or impracticality of strict compliance with the stormwater management requirements set forth in N.J.A.C. 7:8, in an adopted regional stormwater management plan, or in this local ordinance, and has received a waiver from strict compliance from the municipality. Mitigation shall include the implementation of the approved mitigation plan within the same drainage area where the subject project is proposed, or a contribution of funding toward a municipal stormwater control project, or provision for equivalent treatment at an alternate location, or any other equivalent water quality benefit as approved by the municipality.

“Municipally Important Ground Water Recharge Area” means preserved or constrained lands that cannot be developed or built upon under current regulations. These areas have recharge rates above the median recharge rate for the subwatershed I which they are located; meaning they provide 40% or greater total recharge volume for the subwatershed. Constrained lands are comprised of undeveloped lands within the Highlands Open Water buffer as well as moderately and severely constrained steep slopes. Preserved lands are those that are permanently preserved by local, county, state, federal or non-profit entities.

“New Jersey Stormwater Best Management Practices (BMP) Manual” or “BMP Manual” means the manual maintained by the Department providing, in part, design specifications, removal rates, calculation methods, and soil testing procedures approved by the Department as being capable of contributing to the achievement of the stormwater management standards specified in this chapter. The BMP Manual is periodically

amended by the Department as necessary to provide design specifications on additional best management practices and new information on already included practices reflecting the best available current information regarding the particular practice and the Department's determination as to the ability of that best management practice to contribute to compliance with the standards contained in this chapter. Alternative stormwater management measures, removal rates, or calculation methods may be utilized, subject to any limitations specified in this chapter, provided the design engineer demonstrates to the municipality, in accordance with 119-IV.F. of this ordinance and N.J.A.C. 7:8-5.2(g), that the proposed measure and its design will contribute to achievement of the design and performance standards established by this chapter.

“Non-Exempt Project” means any project not eligible for an exemption from the Highlands Water Protection and Planning Act Rules, pursuant to N.J.A.C. 7:38-2.3.

“Preservation Area” means lands within the Highlands Region that are located in that portion designated by the Highlands Act as the “Preservation Area” (see metes and bounds description at N.J.S.A. 13:20-7b).

“Prime Ground Water Recharge Area” means lands with the best ground water recharge rates within a HUC14 subwatershed, as indicated by GSR-32 analysis, that provide the top forty percent (40%) of the total recharge volume for the subwatershed.

“Regional Master Plan” means the Highlands regional master plan, or any revision thereof adopted by the Highlands Water Protection and Planning Council pursuant to N.J.S.A. C.13:20-8.

Amend Section 119-4.F, Table 1 as follows:

Revise the minimum separation distance from a cistern to the SHWT to “-”.

Revise the note at the bottom of Table 1 to reference Page 12.

Amend Section 119-4.F, Table 3 as follows:

Revise the minimum separation distance from a sand filter to the SHWT to “1”.

Amend Section 119-4.P.2 to add the following:

- iii. For Non-Exempt Projects located in the Preservation Area and in a Current Deficit Area as identified in the Township's Environmental Resource Inventory, the project shall demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures provide for enhanced recharge standards set forth in (5.) below.
- iv. For Non-Exempt Projects located in the Preservation Area and in a Prime Ground Water Recharge Area as identified in the Township's Environmental Resource Inventory, the following standards shall apply:
 - a. Where disturbance is permitted in accordance with this subsection, it shall be limited to no greater than 15% of the Prime Ground Water Recharge Area on the site and shall preferentially be sited on that portion of the Prime Ground Water Recharge Area that has the lowest groundwater recharge rates.
 - b. Where disturbance to the Prime Ground Water Recharge Area is permitted, the project shall demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures provide for enhanced recharge standards set forth in (5.) below.

Amend Section 119-4.P.4 to add the following:

- iii. Carbonate rock areas in the Preservation Area where surficial or subsurface karst features have been identified and recharge facilities cannot be designed in a manner that would eliminate the concentrated subsurface release of stormwater (*Note: The mere presence of carbonate bedrock does not constitute a karst feature*).

Amend Section 119-4.P to add the following:

- 5. Non-Exempt Projects that are subject to the enhanced recharge requirements by P.2.iii. or P.2.iv above, shall apply the following standards, either:
 - i. Recharge 125 percent of the percentage of the average annual preconstruction groundwater recharge volume for the site; or
 - ii. In addition to complying with the recharge requirements of section IV.P, retain on-site with no discharge, the Stormwater Quality Design Volume (SWQDv), defined as the runoff from the 1.25-inch, 2-hour rainfall event. Where meeting the recharge requirement will not result in retention of the full SWQDv, the major development shall retain any additional volume to meet the requirements of this section through additional infiltration, or through evapotranspiration or capture and on-site re-use of rainfall.

Replace Section 119-11: Penalties with the following:

Section 119-11: Variances from Design and Performance Standards.

The municipal review agency may grant variances from the design and performance standards in 119-4. O, P, Q and R as set forth in this stormwater control ordinance provided that the mitigation standards provided in the Township's Stormwater Management Plan and the following conditions are met.

- 1. The applicant demonstrates that it is technically impracticable to meet any one or

more of the design and performance standards onsite. For the purposes of this analysis, technical impracticability exists only when the design and performance standard cannot be met for engineering, environmental, or safety reasons. The municipality's approval of a variance shall apply to an individual drainage area and design and performance standard and shall not apply to an entire site or project, unless an applicant provides the required analysis for each drainage area within the site and each design and performance standard.

2. The applicant demonstrates that the proposed design achieves the maximum possible compliance with the design and performance standards on-site.
3. A mitigation project in accordance with the following is implemented.
 - i. The mitigation project may be a project which has been established by the Township or may be a project proposed by the applicant, provided it meets the criteria in this ordinance.
 - ii. The mitigation project shall be approved no later than preliminary or final site plan approval of the major development.
 - iii. The mitigation project shall be located in the same HUC 14 as the area of the major development subject to the variance.
 - iv. The mitigation project shall be constructed prior to or concurrent with the major development.
 - v. The mitigation project shall comply with the green infrastructure standards in 119-4.O.
4. If the variance that resulted in the mitigation project being required is from the green infrastructure standards in §119-4.O, then the mitigation project must use green infrastructure BMPs in Table 5-1, and/or an alternative stormwater management measure approved in accordance with 119-4.G. that meets the definition of green infrastructure to manage an equivalent or greater area of impervious surface and an equivalent or greater area of motor vehicle surface as the area of the major development subject to the variance. Grass swales and vegetative filter strips may only be used in the mitigation project if the proposed project additionally includes a green infrastructure BMP other than a grass swale or vegetative filter strip. The green infrastructure used in the mitigation project must be sized to manage the water quality design storm, as defined at §119-4.Q.4 at a minimum and is subject to the applicable contributory drainage area limitations specified in §119-4.G or §119-4.O.2 as applicable.
5. A variance from the groundwater recharge standards in §119-4.P. may be granted if one of the following is met:
 - i. The average annual groundwater recharge provided by the mitigation project must equal or exceed the average annual groundwater recharge deficit resulting from granting the variance for the major development; or
 - ii. Runoff infiltrated during the two-year storm from the mitigation project must equal or exceed the deficit resulting from granting the variance from the required infiltration of the increase in runoff volume from pre-construction to post-construction from the major development.
6. A variance from the stormwater runoff quality standards at 119-4.Q. may be granted if the following are met:
 - i. The total drainage area of motor vehicle surface managed by the mitigation project(s) must equal or exceed the drainage area of the area of the major development subject to the variance and must provide sufficient TSS removal to equal or exceed the deficit resulting from granting the variance for the major development; and
 - ii. The mitigation project must remove nutrients to the maximum extent feasible in accordance with 119-4.Q.6.
7. A variance from the stormwater runoff quantity standards at 119-4.R. may be granted if the following are met:
 - i. The applicant demonstrates, through hydrologic and hydraulic analysis, including the effects of the mitigation project that the variance will not result in increased flooding damage below each point of discharge of the major development.
 - ii. The mitigation project discharges to the same watercourse and is located upstream of the major development subject to the variance.
 - iii. The mitigation project provides peak flow rate attenuation in accordance

with 119-4.R.2.iii. for an equivalent or greater area than the area of the major development subject to the variance. For the purposes of this demonstration, equivalent includes both size of the area and percentage of impervious surface and/or motor vehicle surface.

8. The applicant shall be responsible for preventive and corrective maintenance (including replacement) of the mitigation project and shall be identified as such in the maintenance plan established in accordance with 119-10. This responsibility is not transferable to any entity other than a public agency, in which case, a written agreement with that public agency must be submitted to the review agency.
9. Any approved variance shall be submitted by the municipal review agency to the county review agency and the Department by way of a written report describing the variance, as well as the required mitigation, within 30 days of the approval.

Replace Section 119-12: Effective Date with the following:

Section 119-12 Penalties:

A. Fines

1. Any violation of any provision of this Ordinance shall be punishable by a fine not to exceed \$1000.00 for each offense and/or imprisonment for a term not exceeding ninety (90) days. The following individuals shall be subject to potential punishment:
 - a. The owner, general agent, contractor or occupant of a building, premises, or part thereof where such a violation has been committed or does exist; and
 - b. Any agent, contractor, architect, engineer, builder, corporation, or other person who commits, takes part or assists in the violation.
2. Each day that a violation continues shall constitute a separate offense.
3. The imposition of penalties herein shall not preclude the Town or any other person from instituting an action to prevent an unlawful construction, reconstruction, alteration, repair, conversion, or use or to restrain, correct or abate a violation, or to prevent the illegal occupancy of a building, land, or premises.

B. Injunctive Relief

In addition to the foregoing, the Town may institute and maintain a civil action for injunctive relief.

Replace Section 119-13 Severability with the following:

Section 119-13: Effective Date

This ordinance shall take effect immediately upon the approval by the county review agency, or sixty (60) days from the receipt of the ordinance by the county review agency if the county review agency should fail to act.

Add Section 119-14 Severability as follows:

Section 119-14: Severability

If the provisions of any section, subsection, paragraph, subdivision, or clause of this ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this ordinance.

Section Two - If any section, subdivision, paragraph, clause, or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to such section, subdivision, paragraph, clause, or provision and the remainder of this ordinance shall be deemed valid and effective. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Section Three - This ordinance shall take effect upon the publication of notice of final adoption as provided by law.

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Committee of the Township of Franklin held on January 3, 2022, and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Township Committee to be held on February 7, 2022, at 7 p.m. or as soon thereafter as the Township Committee may hear this Ordinance at the Municipal Building, 2093 Rt. 57, Broadway, New Jersey, at which time all persons interested may appear for or against the passage of said Ordinance.

Denise L. Becton

Municipal Clerk

Introduced: January 3, 2022
Adopted: February 7, 2022

On motion by Committeeperson Mike Ferri and seconded by Committeeperson Rich Herzer the aforementioned **Ordinance No. 2022-3** be adopted at first reading. Final reading and adoption to take place on **February 7, 2022, at or near 7:00 p.m.**

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

On motion by Committeeperson _____ and seconded by Committeeperson _____ the aforementioned **Ordinance No. 2022-3** be adopted at final reading.

Roll Call Vote	Yes	No	Absent/Abstain
Bonnie Butler			
Rich Herzer			
Mike Ferri			
Michael Toretta			
David Guth			

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 January 3, 2022. Second reading, public hearing will be held on February 7, 2022, at or near 7:00 PM in the Franklin Township Municipal Building, 2093 Rt. 57, Broadway, New Jersey.

Denise L. Becton, RMC/CMR

REPORTS/UPDATES

Engineer – Absent

Attorney – Mr. Benbrook advised of some issues with the installation of solar on the old Kober’s property. The tract is located in the Highlands Preservation Area, transmission lines and concerns at the BPU.

OEM/911 Coordinator –

Fire Department/EMS – Chief Verkade advised two members are going to train for Fire I and three for squad. They also will be starting a cadet program. The committee expressed its gratitude for the service of the volunteers that serve our community.

Zoning Officer- Report on file

Open Space- No representation

DPW- Joe Biel – Foreman Biel reported that the new personnel have caught up on a lot of outstanding items. The salt bins are currently full. Committeeperson Guth inquired as to a fallen light pole in the Edison Lakes Development. Mr. Biel informed he has been in contact with JCP&L to no avail and will follow up with a new contact at JCP&L provided by Committeeperson Ferri.

FTYA- no representation

Committee Reports:

Bonnie Butler – nothing further to report

Rich Herzer – Mr. Herzer and Mr. Guth reported about the 1,4 Dioxane well contamination. There will be a public meeting at the municipal building with the NJDEP, January 19 from 2-3 pm. Attorney Benbrook informed that the Tax Assessor needs information and a list of affected properties ASAP.

David Guth - See Rich Herzer’s report

Michael Toretta – nothing further to report

Mike Ferri – nothing further to report

Open Public Session:

At approximately 7:35 p.m. opened the floor to the Public. Unanimous

The committee was thanked for their role in the 1,4 Dioxane issue.

Hearing nothing further from the public, Open Public Session was closed at 7:35 p.m. Unanimous

On motion by David Guth and seconded by Rich Herzer, hearing no objection, meeting stands adjourned at 7:36 p.m.

Roll Call:	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

Respectfully submitted,

Denise L. Becton, RMC/CMR
Municipal Clerk