

**SPECIAL MEETING
Monday, August 8, 2022**

The Franklin Township Committee held a Special Meeting on Monday, August 8, 2022, at the hour of 9:00 a.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 (via telephone), Guth-Absent, Herzer-Yes (joined the meeting @ 9:22 a.m.), Toretta-Yes. (4) Present; (1) Absent

Additional present were: Mike Finelli, Municipal Engineer, Joe Biel, DPW Foreman, Jim Onembo, Zoning/Code Enforcement, CFO, Denise L. Becton, Municipal Clerk

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

RESOLUTION

**RESOLUTION OF THE TOWNSHIP OF FRANKLIN
Warren County, New Jersey**

RESOLUTION NO. 2022-51

**Title or Subject: Resolution of Award, Lower and Upper Bank Stabilization for
Shurts Road**

Be It Resolved, that on July 11, 2022, the Township Committee of the Township of Franklin adopted **Resolution 2022-51** to award a contract for Lower and Upper Bank Stabilization for Shurts Road.

Be It Further Resolved that the Township Committee of the Township of Franklin does hereby award the project, to CMS Construction, from 521 North Avenue, Plainfield, NJ, 07060 for a total bid price including alternate bid of \$293,471.00, as listed and outlined within their completed project bid specification dated July 06, 2022. Resolution and Written Contract are on file and available for public inspection in the office of the Municipal Clerk. Contract Duration 60 days from issuance of notice to proceed.

ATTEST:

**TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF FRANKLIN**

*Denise L. Becton, RMC/CMR
Municipal Clerk*

Mike Toretta, Mayor

Date of Adoption: August 8, 2022

On motion by Mike Ferri and seconded by Bonnie Butler the aforementioned **Resolution 2022-51** be adopted as read.

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

(3) Yes (0) No (2) Absent Motion Carried

CERTIFICATION

I, Denise L. Becton, Municipal Clerk of the Township of Franklin, do hereby certify that the foregoing resolution is a true and exact copy adopted by the Township Committee of the Township of Franklin on August 8, 2022.

Denise L. Becton, RMC/CMR
Municipal Clerk

BOND ORDINANCE – INTRODUCTION

BOND ORDINANCE 2022-9

BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$400,000 IN CONNECTION WITH THE IMPROVEMENTS TO SHURTS ROAD FOR AND BY THE TOWNSHIP OF FRANKLIN IN THE COUNTY OF WARREN, NEW JERSEY AND, AUTHORIZING THE ISSUANCE OF \$380,000 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE APPROPRIATION.

BE IT ORDAINED, BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF WARREN, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

SECTION 1:

The improvements described in Section 3 of this bond ordinance (the “Improvements”) are hereby authorized to be undertaken by the Township of Franklin, New Jersey (the “Township”) as general improvements. For the said Improvements there is hereby appropriated the amount of \$400,000, such sum includes the sum of \$20,000 as the down payment (the “Down Payment”) required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the “Local Bond Law”). The Down Payment is now available by virtue of provision in one or more previously adopted budgets for down payment or for capital improvement purposes.

SECTION 2.

In order to finance the cost of the Improvements not covered by application of the Down Payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$380,000 pursuant to the provisions of the Local Bond Law (the “Bonds”). In anticipation of the issuance of the Bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes of the Township are

hereby authorized to be issued in the principal amount not exceeding \$380,000 pursuant to the provisions of the Local Bond Law (the “Bond Anticipation Notes” or “Notes”).

SECTION 3:

(a) The Improvements authorized and the purpose for the financing of which said obligations are to be issued is for the improvements to Shurts Road, including all work and materials necessary therefor or related thereto.

(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvements is \$380,000.

(c) The estimated cost of the Improvements is \$400,000 which amount represents the initial appropriation made by the Township.

SECTION 4:

All Bond Anticipation Notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Township (the “Chief Financial Officer”); provided that no Note shall mature later than one year from its date. The Notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with Notes issued pursuant to this ordinance, and the signature of the Chief Financial Officer upon the Notes shall be conclusive evidence as to all such determinations. All Notes issued hereunder may be renewed from time to time subject to the provisions of Section 8(a) of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the Notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the Township Committee of the Township at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the Notes sold, the price obtained and the name of the purchaser.

SECTION 5:

The capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey is on file with the Township Clerk and is available for public inspection.

SECTION 6:

The following additional matters are hereby determined, declared, recited and stated:

(a) The Improvements described in Section 3 of this bond ordinance are not current expenses, and are capital improvements or properties that the Township may lawfully make or acquire as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the Improvements, within the limitations of the Local Bond Law, and according to the reasonable life thereof computed from the date of the Bonds authorized by this bond ordinance, is 20 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Township Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey. Such

statement shows that the gross debt of the Township, as defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this bond ordinance by \$380,000 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$125,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

SECTION 7:

Any funds received from time to time by the Township as contributions in aid of financing the purposes described in Section 3 of this Ordinance shall be used for financing said Improvements by application thereof either to direct payment of the cost of said Improvements or to the payment or reduction of the authorization of the obligations of the Township authorized therefor by this Bond Ordinance. Any such funds received may, and all such funds so received which are not required for direct payment of the cost of said Improvements shall, be held and applied by the Township as funds applicable only to the payment of obligations of the Township authorized by this Bond Ordinance.

SECTION 8:

The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

SECTION 9:

The Chief Financial Officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 5c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 10:

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Township reasonably expects to pay expenditures with respect to the Improvements prior to the date that Township incurs debt obligations under this Bond Ordinance. The Township reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Township under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the costs of the Improvements is \$380,000.

SECTION 11:

This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

On motion by Bonnie Butler and seconded by Mike Ferri the aforementioned Bond Ordinance 2022-9 be adopted as read. Final reading and adoption to take place on August 22, 2022, at 9:00 a.m. or near that hour.

Roll Call Vote	Yes	No	Absent/Abstain
Bonnie Butler	X		
Rich Herzer			X
David Guth			X
Mike Ferri	X		
Mike Toretta, Mayor	X	(3) Yes (0) No	(2) Absent Motion carried

APPROVAL

Planning Incentive Grant-Farmland Plan Grant FY2023 –

On motion by Bonnie Butler and seconded by Mike Ferri to approve not to exceed \$12,500 for the Land Conservancy to prepare FY2023 Planning Incentive Grant/Farm Plan and to reimburse the Open Space Trust Fund once completed.

Roll Call Vote	Yes	No	Absent/Abstained
Bonnie Butler	X		
David Guth			X
Rich Herzer			X
Michael Ferri	X		
Mayor Mike Toretta	X	(3) Yes (0) No	(2) Absent Motion Carried

DISCUSSIONS

Montana Road Retaining Wall Project –

This project is now complete per Engineer Finelli.

Let the record reflect the Committeeperson Herzer joined the meeting at 9:22 a.m.

Trailer Court Complaint -

Zoning Officer Onembo informed committee as to a complaint received. After a visit to this site there is construction of seven newly constructed trailer pads and no current building permits. The DCA was informed and have since visited the site as well addressing building permits are required. The DEP was also informed addressing the concern as to septic tank and seepage pits. Chapter 123 of our Code Book addresses Trailers and Trailer Camps. Mr. Onembo had a discussion with our Tax Collector as to the 1/4ly payments of trailers received years ago, appears we haven't been collecting this for some time. Engineer and Attorney will be brought in to review this complaint at hand as well as the current Chapter 123.

Let the record reflect that Committeeperson Butler left the meeting at 9:30 a.m.

APPROVAL

On motion by Committeeperson Rich Herzer and seconded by Committeeperson Mike Ferri, to approve the minutes and executive session minutes of July 7, 2022. All in favor.

The public hearing for Bond Ordinance 2022-9 will be heard at a special meeting, Monday, August 22, 2022, at 9:00 a.m.

Walter George stopped into the municipal building last week as to septic issues and inquired if his contractor could gain access from the Asbury field as his property abuts the field. Consensus of the committee is keep equipment on the edge of the field and the contractor/owner to inform Foreman Biel to coordinate the equipment coming in and off of the field. Any damages to our field will be the responsibility of contractor/owner of property.

MOTION FOR ADJOURNMENT:

On motion by Rich Herzer and seconded by Mike Ferri, hearing no objection, meeting stands adjourned at 9:36 a.m.

Roll Call:	Yes	No	Absent	Abstained	
Bonnie Butler			X		
Mike Ferri	X				
Rich Herzer	X				
David Guth			X		
Mike Ferri, Mayor	X				
		(3)	Yes (0) No	(2) Absent	Motion carried

Respectfully submitted,

Denise L. Becton, RMC/CMR
Municipal Clerk