

REGULAR MONTHLY MEETING

The Franklin Township Committee held their regular scheduled monthly meeting on Monday, October 7, 2024, at the hour of approximately 7:00 p.m. Mayor David Guth 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, **Roll Call of Committeepersons present:** Bonnie Butler, Richard Herzer, Sarah Payne, Mike Toretta, David Guth, Mayor (5) Present

Present were: Mike Finelli, Municipal Engineer, Kevin Benbrook, Municipal Attorney, Joe Biel, DPW Foreman, Shawna Tabert, OEM, Jim Onembo, Zoning Officer, Denise L. Becton, Municipal Clerk

CONSENT AGENDA:

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

2. **APPROVAL/ADOPTION of**
- a. Meeting Minutes **RE: Regular meeting of September 9, 2024**
 - b. Executive Minutes **RE: Executive meeting of September 9, 2024**
 - c. GRC OPRA Form **RE: Adopted by the Township Committee for the use of any person who requests access to government records**
 - d. 2024 Best Practices Inventory **RE: 2024 Check List - assessing each municipality's compliance with various laws and evaluates the implementation of fiscal and operational best practices**
 - e. Res. 2024-70 **RE: Tax Sale Redemption of Lienholder B15 L11.02, 2092 Rt. 57, Tax Sale Cert#22-0001**
 - f. Res. 2024-71 **RE: Resolution of Award; Millbrook Road Section 3 Project**
 - g. Res. 2024-72 **RE: Tax Sale Redemption of Lienholder B56 L29, 19 Bloomsbury Road, Tax Sale Cert#2021-04**
 - h. Raffle **RE: Off-Premises Cash Draw, RA#2024-3, WC Technical School PTA, January 8, 2025**

On motion by Committeeperson Toretta and seconded by Committeeperson Herzer, the Consent Agenda, letters a. – h., were approved.

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

RESOLUTIONS

Introduction/Adoption of: Resolution #'s 2024-70, 2024-71, 2024-72

RESOLUTION #2024-70 TOWNSHIP OF FRANKLIN, WARREN COUNTY TAX SALE REDEMPTION OF LIENHOLDER

WHEREAS, Tax Sale Certificate #22-0001, Block 15 Lot 11.02, also known as 2092 Rt. 57, was issued to George Banghart Jr., in the amount of \$76,508.45 on November 16, 2022,

WHEREAS, the lien was redeemed on October 7, 2024, in the amount of \$76,508.45 in accordance with provisions of NJSA 54:5-60 et seq; and

NOW, THEREFORE, BE IT RESOLVED, on the 7th day of October 2024, by the Township Committee of the Township of Franklin, Warren County, State of New Jersey, as follows:

1. The Chief Financial Officer to issue a check in the amount of \$76,508.45 made payable to George Banghart Jr.
2. That this resolution shall take effect immediately upon adoption.

ADOPTED: October 7, 2024

David Guth

David Guth, Mayor
Township Committee

Attest and Affix Seal:

Denise L. Becton

Denise Becton, RMC
Municipal Clerk

**FRANKLIN TOWNSHIP
WARREN COUNTY/STATE OF NEW JERSEY
RESOLUTION; 2024-71**

A RESOLUTION OF AWARD, MILLBROOK ROAD SECTION 3 RESURFACING

Be it resolved, that on October 7, 2024, the Township Committee of the Township of Franklin adopted Resolution 2024-71 to award bids to perform the necessary construction to complete the Millbrook Road Section 3 Resurfacing Project, a New Jersey Department of Transportation Local Aid funded project with a total project grant award in the amount of \$73,022.00.

Be it further resolved that the Township Committee of the Township of Franklin does hereby award unit prices for individual construction items based on unit prices as awarded under the individual contracts awarded by the Morris County Cooperative Pricing Council bidding process as follows;

The award is made to the Morris County Cooperative Pricing Council vendor, Riverview Paving Inc. for the total cost of \$74,479.99.

The award is made to the Morris County Cooperative Pricing Council vendor, Denville Line Painting, Inc for the total cost of \$2,128.00.

ATTEST:

Denise L. Becton

David Guth

Denise L. Becton
Municipal Clerk

David Guth
Mayor

**RESOLUTION #2024-72
TOWNSHIP OF FRANKLIN, WARREN COUNTY
TAX SALE REDEMPTION OF LIENHOLDER**

WHEREAS, Tax Sale Certificate #2021-04, Block 56 Lot 29, also known as 19 Bloomsbury Road, was issued to Fundpality II, LLC, in the amount of \$16,233.69 on March 8, 2024, additional check premium refund of \$46,500.00.

WHEREAS, the lien was redeemed on March 8, 2024, in the amount of \$16,233.69 in accordance with provisions of NJSA 54:5-60 et seq; and

NOW, THEREFORE, BE IT RESOLVED, on the 7th day of October 2024, by the Township Committee of the Township of Franklin, Warren County, State of New Jersey, as follows:

1. The Chief Financial Officer to issue a check in the amount of \$16,233.69 & \$46,500.00 made payable to Fundpality II, LLC at 100 North Lasalle St., Suite 710, Chicago, IL 60602.
2. That this resolution shall take effect immediately upon adoption.

ADOPTED: October 7, 2024

David Guth

David Guth, Mayor
Township Committee

Attest and Affix Seal:

Denise L. Becton

Denise Becton, RMC
Municipal Clerk

OLD BUSINESS

Public Hearing/Adoption of: Ordinance 2024-9

Ordinance No. 2024 –9

ORDINANCE TO AMEND CHAPTER 119 OF THE CODE OF THE TOWNSHIP OF FRANKLIN ENTITLED “STORMWATER CONTROL” TO REFLECT AMENDMENTS REQUIRED BY THE NJDEP STORMWATER MANAGEMENT RULES

-Motion to open Public Hearing - Committeeperson Butler made the motion and seconded by Committeeperson Herzer, Unanimous Vote.

-Public Comments - none heard

-Motion to close Public Hearing and Adopt - Committeeperson Butler made the motion and seconded by Committeeperson Payne.

Roll Call Vote:	Yes	No	Absent/Abstained
Bonnie Butler	X		
Rich Herzer	X		
Sarah Payne	X		
Mike Toretta	X		
Mayor David Guth	X	(5) Yes (0) No (0) Absent	Motion Carried

NEW BUSINESS- Discussions/Approvals/Presentations

Developments – Maintenance of trees and roads – Two proposals were received to elevate all trees along the streets to 16’ and clean up all debris. Proposals received were:

1. Midstate Tree Management, LLC in the amount of \$8,755.00
2. Sunshine Tree & Landscape in the amount of \$23,500.00

On motion by Committeeperson Toretta and seconded by Committeeperson Herzer to authorize Midstate Tree Management, LLC in the amount of \$8,755.00 per their proposal submitted.

Roll Call Vote:	Yes	No	Absent/Abstained
Bonnie Butler	X		
Rich Herzer	X		
Sarah Payne	X		
Mike Toretta	X		
Mayor David Guth	X	(5) Yes (0) No (0) Absent	Motion Carried

Cintas Agreement – DPW uniform rentals – Foreman Biel informed that Cintas has now included 11 pairs of pants for new hire Taborelli and we are not being billed for anything we don’t have. Attorney Benbrook will put this on his calendar to terminate the contract at the end of its term.

REPORTS/UPDATES

NJSP – A trooper was present this evening with no formal report. She informed that a motorcycle accident occurred over the weekend and the rider was flown out by helicopter as a precaution. Old Main Street has been monitored for speed.

Engineer

Millbrook Road Section 2 Project – The Project is all wrapped off need to verify with CFO that final checks mailed.

Millbrook Road Re-stabilization Project – Millbrook Road is open! Engineer Finelli is pleased with CMS that performed the work and did a great job.

1,4 Dioxane Water Contamination Project – Only two bids were received for the project as follows:

1. VNL, Inc; Total Base Bid Amount \$3,655,285.00
2. MSP Construction; Total Base Bid Amount \$3,378,822.25

VNL is not a certified contractor with NJAW, the apparent lowest bidder is MSP Construction. However, we only bonded for \$3,000,000 and we will have to reject the bids since they are over the appropriated amount for the project. Engineer Finelli will discuss further with the CFO and Bond Counsel to re-appropriate funds for this project.

On motion by Committeeperson Butler and seconded by Committeeperson Herzer to reject all bids.

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

On motion by Committeeperson Toretta and seconded by Committeeperson Herzer to authorize the engineer to go out to bid.

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

Attorney- report submitted –

Attorney Benbrook informed that he filed the motion for the Tigar property, and we now own this piece. Rolling Thunder is seeking township committee approval for a coin toss contingent they gain approval from the NJDOT. On motion by Committeeperson Payne and seconded by Committeeperson Toretta to approve, unanimously once all approvals have been acquired. Mayor Guth signed a letter prepared by the attorney to reacknowledge the loan application for WC Habitat to build affordable housing on the old Hunters property along Rt. 57.

Zoning Officer – report submitted - Mr. Onembo discussed matters relating to zoning and code issues. Including a commercial activity on the farm lane off Stewartsville Road that might require a variance. A potential site impediment at the intersection of the MWA property. Rossini’s old property remains vacant has been referred to the Land Use Board for potential conversion to two apartments. The Easter Seals building is a slow remodel and will become a dispatch facility for a plumbing business.

DPW – Report submitted – Thank you to Mr. Toretta and Mr. Santini for their donation of fall décor of cornstalks and pumpkins in front of the municipal building.

Franklin Twp. Fire/EMS – No one present this evening.

OEM/911 Coordinator – OEM Tabert – Report submitted – Equipment purchased/received from EMAA Grant monies Fire/EMS/DPW and waiting pickup from departments. Millbrook Road is officially repaired/open.

Recycling Coordinator – No report submitted

FTYA- No representation present

Open Space/Agricultural Advisory Commissions – no meeting

Township Committee Reports:

Bonnie Butler – nothing to report.

Sarah Payne – Committeeperson Payne will attend the Warren County Scenic Byway meeting October 21st.

Michael Toretta – nothing to report.

Rich Herzer – Deputy Herzer had a discussion with Eddy Patient our Community Center Coordinator. He will be replacing the old container that we rent with a donated container on wheels. This will be connected to the back of the building for storage use for the Center. Open Space/Agriculture Meeting tentatively looking to hold their second meeting, Monday, November 18th at 6:00 p.m.

David Guth – The mayor thanked our farming community for coming together at ISE Farms. There was manure burning in one of the chicken houses and needed to be redistributed and unloaded from the house.

At approximately 7:44 p.m. Mayor Guth opened the floor for Public Session.

Dave Leary – Mr. Leary inquired about the 1,4 Dioxane Project and what it means that all bids were rejected this evening.

Marsha Colaluce – Ms. Colaluce inquired about liter clean up alongside roads via an OPRA request. She received some of the NJ Clean Communities Statistical Reports from Mr. Murray, our Recycling Coordinator, but they don't clearly define who has received funds and what it has been used for annually. Why don't we display pamphlets and hold education sessions at the school. Mr. Murray will be asked to attend our next meeting to answer some of these questions.

Wayne Ferguson – Thank you to all, Millbrook Road is beautiful.

Open public session closed by Mayor Guth at 8:10 p.m.

At this time, the committee will commence into an Executive Session on motion by Deputy Mayor Herzer and seconded by Committeeperson Toretta at 8:15 p.m.

EXECUTIVE SESSION

BE IT RESOLVED on this 7th day of October 2024, 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

Contract Negotiations- 2025 Professional Services Contracts
Contract Negotiations – Municipal Engineer

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 October 2024 by the Franklin Township Committee, that the matter stated will be discussed in executive session, said session to commence at approximately 8:15 p.m.

On motion by Deputy Mayor Herzer and seconded by Committeeperson Toretta to return to the regular session at 8:31 p.m. Unanimous Vote.

On motion by Deputy Mayor Herzer and seconded by Committeeperson Toretta to approve the bills to be paid received by the CFO as submitted.

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

On motion by Committeeperson Toretta and seconded by Committeeperson Butler, hearing no objection, meeting stands adjourned at 8:32 p.m.

Respectfully submitted,

Denise L. Becton

Denise L. Becton, RMC/CMR
Municipal Clerk