

**REGULAR MEETING  
Monday, April 4, 2022**

The Franklin Township Committee held a Regular Monthly Meeting on Monday, April 4, 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, 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 2-5)**

- 2. APPROVAL**
  - a. Meeting Minutes **RE: March 7, 2022**
  - b. Executive Minutes **RE: March 7, 2022**
  - c. Workshop Minutes **RE: March 28, 2022**
  - d. Executive Workshop Min. **RE: March 28, 2022**
- 3. RESOLUTIONS – FIRST READING/ADOPTION**
  - a. Proclamation **RE: Older Americans Month**
- 4. Permits**
  - a. Social Affair Permit **RE: Franklin Twp. Fire, 410 Old Main Street, Aug 5<sup>th</sup> and 6<sup>th</sup> Wiffle Ball Tournament**
- 5. Resolutions**
  - a. Res. 2022-34 **RE: Tax Refund Block 35, Lot 5, Tax Sale Cert #2020-05**
  - b. Res. 2022-31 **RE: Appointment of OEM & 911 Coordinator**
  - c. Res. 2022-35 **RE: Appointment DOEM Coordinator**

On motion by Committeeperson Rich Herzer and seconded by David Guth, to approve the minutes/proclamation/permit/resolutions listed on the Consent Agenda above.

<b>Roll Call:</b>	<b>Yes</b>	<b>No</b>	<b>Absent</b>	<b>Abstained</b>	
Bonnie Butler	X (*No ONLY to Res. 2022-35)				
Mike Ferri	X				
David Guth	X				
Rich Herzer	X				
Mike Toretta, Mayor	X	(5*)	Yes (0) No (0)	Absent (0)	Motion carried

**Introduction/Adoption the following Proclamation and Resolution 2022-34 and Resolution 2022-31 and Resolution 2022-35)**

***Proclamation***

**Older Americans Month**

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**May 2022**

**Whereas**, the month of May is traditionally designated Older Americans Month by the U.S. Department of Health and Human Services; and

**Whereas**, the theme for Older Americans Month 2022 is “**Age My Way**”, an opportunity for all of us to explore the many ways older adults can remain in and be involved with their communities.

**Whereas** Franklin Township, Warren County, NJ includes countless older Americans who enrich and strengthen our community; and

**Whereas** Franklin Township is committed to engaging and supporting older adults, their families, and caregivers; and

**Whereas**, we acknowledge the importance of taking part in activities that promote physical, mental, and emotional well-being—no matter your age; and

**Whereas** Franklin Township can enrich the lives of individuals of *every age* by:

- promoting home- and community-based services that support independent living;
- involving older adults in community planning, events, and other activities; and
- providing opportunities for older adults to work, volunteer, learn, lead, and mentor.

**Now therefore**, The mayor and township committee of Franklin Township, Warren County, NJ does hereby proclaim May 2022 to be Older Americans Month. Residents are encouraged to take time during this month to acknowledge and recognize older adults as vital members of our community.

Dated this 4th day of April 2022

The aforementioned **Proclamation** be adopted by unanimous vote.

**CERTIFICATION**

I, Denise L. Becton, Municipal Clerk, for the Township of Franklin, Warren County, NJ, hereby certify that this is a true copy of a Proclamation adopted by the Franklin Township Committee, April 4, 2022.

*Denise L. Becton*

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Denise L. Becton, Municipal Clerk

**RESOLUTION NO. 2022-34**

**WHEREAS**, Bala Partners LLC holds Tax Sale Certificate #2020-005 on Block 35 Lot 5 and,

**WHEREAS**, the property owner has redeemed this lien,

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Committee authorize the Tax Collector to refund the Tax Lien amount of \$12,342.46 plus the Tax Sale Premium amount of \$6,500.00 for a total of \$18,842.46 to Bala Partners, LLC, POB 303, Pottersville, NJ 07979.

On motion by Rich Herzer and seconded by David Guth the aforementioned **Resolution 2022-34** be adopted as read.

<b>Roll Call Vote</b>	<b>Yes</b>	<b>No</b>	<b>Absent/Abstained</b>
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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 April 4, 2022.

*Denise L. Becton*

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Denise L. Becton, Municipal Clerk

**RESOLUTION 2022-31  
Appointment of OEM & 911 Coordinator**

**WHEREAS**, the Township of Franklin, County of Warren is required to have an Emergency Management Coordinator; and

**WHEREAS**, it is the desire of the Township Committee of the Township of Franklin, County of Warren, State of New Jersey to appoint Shawna Tabert as Emergency Management Coordinator for a period of 3 years per N J S P mandate beginning on March 7<sup>th</sup>, 2022, and ending on March 6<sup>th</sup>, 2024; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Committee of the Township of Franklin, County of Warren, State of New Jersey appoint Shawna Tabert as Emergency Management Coordinator for the Township of Franklin.

On motion by Rich Herzer and seconded by David Guth the aforementioned **Resolution 2022-31** be adopted as read.

<b>Roll Call Vote</b>	<b>Yes</b>	<b>No</b>	<b>Absent/Abstained</b>
Dave Guth	X		
Bonnie Butler	X		
Rich Herzer	X		
Mike Ferro	X		
Mayor Mike Toretta	X		(5) Yes (0) No (0) Absent Motion carried

**CERTIFICATION**

I, Denise L. Becton, Municipal Clerk of the Township of Franklin, County of Warren, and State of New Jersey hereby certify the foregoing Resolution is a true and correct copy of a Resolution adopted by the Township Committee of the Township of Franklin, at a regular meeting held on Monday, April 4, 2022.

*Denise L. Becton*

\_\_\_\_\_  
Denise L. Becton, RMC/CMR  
Municipal Clerk

**RESOLUTION 2022-35**

**Appointment DOEM Coordinator**

**WHEREAS**, it is the desire of the Township Committee to appoint a Deputy Emergency Management Coordinator to assist Shawna Tabert during emergency operations or during his absence by vacation or illness; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Committee of the Township of Franklin, County of Warren, State of New Jersey appoint David Guth as Deputy Emergency Coordinator for the Township of Franklin for a period of 3 years per N J S P mandate beginning on March 28, 2022 and ending on March 27, 2024.

On motion by Rich Herzer and seconded by David Guth the aforementioned **Resolution 2022-35** be adopted as read.

<b>Roll Call Vote</b>	<b>Yes</b>	<b>No</b>	<b>Absent/Abstained</b>
Bonnie Butler	X		
Mike Ferri	X		
Rich Herzer	X		
David Guth	X		
Mike Toretta	X		
	<b>(5)</b>	<b>(0)</b>	<b>(0)</b>
	<b>Yes</b>	<b>No</b>	<b>Absent</b>
	<b>Motion Carried</b>		

**CERTIFICATION**

I, Denise L. Becton, Municipal Clerk of the Township of Franklin, County of Warren, and State of New Jersey hereby certify the foregoing Resolution is a true and correct copy of a Resolution adopted by the Township Committee of the Township of Franklin, at a meeting held on Monday, April 4, 2022.

Dated: April 4, 2022

*Denise L. Becton*

\_\_\_\_\_  
Denise L. Becton, RMC/CMR  
Municipal Clerk

**NEW BUSINESS** – Resolution 2022-32 and Resolution 2022-33

**FRANKLIN TOWNSHIP**

**RESOLUTION NO. 2022-32**

**RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT  
BETWEEN THE STATE OF NEW JERSEY AND FRANKLIN TOWNSHIP  
NJDEP CONTRACT NO. ICU-AS1-22**

**WHEREAS**, Franklin Township desires to enter into an agreement with the State of New Jersey, Department of Environmental Protection, Division of Publicly Funded Site Remediation, for the purpose of constructing a water system to service properties that have contaminated or threatened wells that are included in a project area specified in Contract No. ICU-AS1-22 and

**WHEREAS**, the State of New Jersey Environmental Protection, has agreed to fund this project in an amount of **\$2,738,430.00** subject to terms and conditions set forth in Contract No. ICU-AS1-22 and

**WHEREAS**, Franklin Township desires to enter into this contract with the State of New Jersey, Department of Environmental Protection.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of Franklin Township in the County of Warren and State of New Jersey, that the appropriate municipal officials are hereby authorized to execute Contract No. ICU-AS1-22 between Franklin Township and the State of New Jersey, Department of Environmental Protection, in the form attached hereto.

Adopted: (April 4, 2022)

\_\_\_\_\_  
Denise L. Becton  
Township Clerk

\_\_\_\_\_  
Michael Toretta  
Mayor

On motion by David Guth and seconded by Mike Ferri the aforementioned **Resolution 2022-32** be adopted as read.

<b>Roll Call Vote</b>	<b>Yes</b>	<b>No</b>	<b>Absent/Abstained</b>
Dave Guth	X		
Bonnie Butler	X		
Rich Herzer	X		
Mike Ferro	X		
Mayor Mike Toretta	X		
		<b>(5) Yes (0) No (0) Absent</b>	<b>Motion carried</b>

**CERTIFICATION**

I, Denise L. Becton, Municipal Clerk of the Township of Franklin, County of Warren, and State of New Jersey hereby certify the foregoing Resolution is a true and correct copy of a Resolution adopted by the Township Committee of the Township of Franklin, at a regular meeting held on Monday, April 4, 2022.

\_\_\_\_\_  
Denise L. Becton  
Township Clerk

Dated: April 4, 2022

**FRANKLIN TOWNSHIP**

**RESOLUTION NO. 2022-33**

**RESOLUTION ACCEPTING OWNERSHIP AND RESPONSIBILITY FOR A  
NEW WATER SYSTEM TO BE CONSTRUCTED WITH FUNDING FROM THE  
STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL  
PROTECTION**

**WHEREAS**, Franklin Township desires to construct a new water system to service properties that have contaminated or threatened wells and are included in a project area designated in an agreement entered into between the Franklin Township and the State of New Jersey Department of Environmental Protection under Contract No. ICU-AS1-22 and

**WHEREAS**, the State of New Jersey Department of Environmental Protection has agreed to fund the construction of this water system under the condition that the Franklin Township accepts immediate ownership and responsibility for the new water system.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Franklin Township, in the County of Warren, and State of New Jersey, that the Franklin Township accepts immediate ownership and responsibility for the new water system to be constructed pursuant to an agreement between the Franklin Township and the State of New Jersey Department of Environmental Protection under Contract No. ICU-AS1-22 and

Adopted: April 4, 2022

\_\_\_\_\_  
Denise L. Becton  
Township Clerk

\_\_\_\_\_  
Michael Toretta  
Mayor

On motion by David Guth and seconded by Mike Ferri the aforementioned **Resolution 2022-33** be adopted as read.

<b>Roll Call Vote</b>	<b>Yes</b>	<b>No</b>	<b>Absent/Abstained</b>
Dave Guth	X		
Bonnie Butler	X		
Rich Herzer	X		
Mike Ferro	X		
Mayor Mike Toretta	X		
		<b>(5) Yes (0) No (0) Absent</b>	<b>Motion carried</b>

**CERTIFICATION**

I, Denise L. Becton, Municipal Clerk of the Township of Franklin, County of Warren, and State of New Jersey hereby certify the foregoing Resolution is a true and correct copy of a Resolution adopted by the Township Committee of the Township of Franklin, at a regular meeting held on Monday, April 4, 2022.

\_\_\_\_\_  
Denise L. Becton  
Township Clerk

Dated: April 4, 2022

**ORDINANCES – First Reading/Introduction – Ordinance 2022-4, Ordinance 2022-5, Ordinance 2022-6**

**TOWNSHIP OF FRANKLIN  
WARREN COUNTY, NEW JERSEY  
ORDINANCE NO. 2022-4**

**AN ORDINANCE ESTABLISHING A  
NEW CHAPTER 22 ENTITLED,  
“INVASIVE PLANTS”**

**BE IT ORDAINED** by the Mayor and Committee of the Township of Franklin, Warren County, New Jersey that new Chapter 22 of the Code of the Township of Franklin entitled, “Invasive Plants” be established as follows:

SECTION I

a.

**CHAPTER 22  
INVASIVE PLANTS**

§ 22-1 **Purpose.**

It is determined that certain types of plants are invasive, difficult to control, and can cause significant damage to property. The purpose of this chapter is to preserve and protect public and private property in the Township from the damaging spread of invasive plants, to protect indigenous and other plant materials from the invasive spread of invasive plants, and to maintain the general welfare of the residents of the Township.

§ 22-2 **Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**ENFORCING OFFICER**

The Township Code Enforcement Officer or his or her designee.

**INVASIVE PLANT(S)**

A. Each of the following:

*Acer platanoides* L. (Norway maple)  
*Ailanthus altissima* (P. Mill.) Swingle (tree-of-heaven)  
*Alliaria petiolata* (Bieb.) Cavara & Grande (garlic mustard)  
*Ampelopsis brevipedunculata* (Maxim.) Trautv. (porcelain berry)  
*Berberis thunbergii* BC. (Japanese barberry)  
*Carex kobomugi* Ohwi (Japanese sedge)  
*Celastrus orbiculatus* Thunb. (Asian bittersweet)  
*Centaurea biebersteinii* DC. [*Centaurea maculosa* auct. non Lam.] (spotted knapweed)  
*Cirsium arvense* (L.) Scop. (Canadian thistle)  
*Dipsacus fullonum* L. ssp. *sylvestris* (Huds.) Clapham (wild teasel)  
*Dipsacus laciniatus* L. (cut-leaf teasel)  
*Elaeagnus umbellata* Thunb. var. *parvifolia* (Royle) Schneid. (autumn olive)  
*Euonymus alata* (Thunb.) Sieb. (winged spindletree)  
*Lespedeza cuneata* (Dum.-Cours.) G. Don (Chinese bush-clover)  
*Lonicera japonica* Thunb. (Japanese honeysuckle)  
*Lonicera morrowii* Gray (Morrow’s bush honeysuckle)  
*Lonicera tatarica* L. (twinsisters, Tartarian honeysuckle)  
*Lythrum salicaria* L. (purple loosestrife)  
*Melilotus officinalis* (L.) Pallas (yellow sweetclover)  
*Microstegium vimineum* (Trin.) A. Camus (Japanese stiltgrass)  
*Myriophyllum spicatum* L. (Eurasian water-milfoil)  
*Phyllostachys Aurea* (Bamboo)

*Polygonum cuspidatum* Sieb. & Zucc. (Japanese knotweed)  
*Polygonum perfoliatum* L. (mile-a-minute)  
*Potamogeton crispus* L. (curly leaf pondweed)  
*Ranunculus ficaria* L. (lesser celandine)  
*Rhamnus cathartica* L. (common buckthorn)  
*Robinia pseudoacacia* L. (black locust)  
*Rosa multiflora* Thunberg (multiflora rose)  
*Rubus phoenicolasius* Maxim (wineberry)

and shall include the plant and any cutting, flower, seed, root, other plant part, or cultivar therefrom.

B. All native and non-native bamboo. "Bamboo" shall mean and include plant species commonly known as "running" (monopodial) or "clumping" (sympodial). This definition shall include but is not limited to the following plant genera:

- (1) Arundinaria;
- (2) Bambusa;
- (3) Chimonobambusa;
- (4) Dendrocalamus;
- (5) Fargesia;
- (6) Phyllostachya;
- (7) Pleioblastus;
- (8) Pseudosasa;
- (9) Sasa;
- (10) Sasaella;
- (11) Sinarundinaria.

**§ 22-3 Duty to control growth and confine invasive plants.**

- A. Franklin Township property owners are strongly discouraged from planting any invasive plants whatsoever, including those set forth in § 22-2 above. In the event an invasive plant defined in § 22-2 is planted upon or is currently located upon any property within the Township, the owner and occupant of said property shall jointly and severally be required to confine, at their cost, such species to prevent the encroachment, spread, invasion or intrusion of same onto any other private or public property or public right-of-way. Failure to control the spread of an invasive plant beyond the boundaries of the property is a violation of this chapter.
- B. In lieu of confining the species, the property owner or occupant may elect, at their cost, to totally remove the invasive plant from the property and all surrounding affected properties.
- C. Failure to properly confine such invasive plants shall require removal as set forth below. The cost of said removal shall be at the invasive plant property owner's expense.
- D. This duty to confine shall not apply if the property owner and/or occupant can establish to the satisfaction of the Township Inspector or Municipal Judge that the invasive plant which is on his/her property originated on another property.

**§ 22-4 Removal.**

- A. All places and premises in the Township of Franklin shall be subject to inspection by the Zoning Officer or other Enforcing Officer designated by the Mayor and Township Committee (collectively "Enforcing Officer"). Such inspection shall be



made if the Township, by virtue of a complaint being made, visual observation by the Enforcing Officer, or otherwise, has reason to believe that any section of this chapter is being violated. If the Enforcing Officer, after inspection, determines that there is an encroachment or invasion of an invasive plant on any adjoining/neighborhood private or public property or public right-of-way (hereinafter, "the affected property"), the Township shall serve notice to the invasive plant property owner, in writing, that the invasive plant has invaded other private or public property(ies) or public right(s)-of-way and demand the removal of the invasive plant from the affected property, and demand approved confinement of the invasive plant on the owner's property to ensure against future encroachment.

- B. In lieu of approved confinement of the invasive plant on the owner's property, the invasive plant owner may also totally remove the invasive plant from both the affected property and the property owner's property.
- C. Notice under § 22-4 shall be provided to the invasive plant property owner, as well as to the owner of the affected property (both as appear in the official records of the Township Tax Assessor), by certified, return receipt requested mail and regular mail.
- D. Within 45 days of receipt of such notice, the invasive plant property owner shall submit to the Enforcing Officer, with a copy to the owner of the affected property, a plan for the removal of the invasive plant from the affected property, which plan shall include restoration of the affected property after removal of the invasive Plant. The plan shall also indicate whether the invasive plant will be confined on the owner's property or removed. Within 120 days of receipt of approval of the plan of removal and restoration, the removal and restoration of the affected property and the owner's property shall be completed to the satisfaction of the Township.
- E. The cost of removal or containment shall be at the at the invasive plant property owner's expense.

**§ 22-5 Violations and penalties, remedies; lien.**

- A. If the invasive plant property owner does not accomplish the removal of the invasive plant from such other private or public property or public right-of-way in accordance herewith, the Enforcement Officer may cause a citation to be issued. The minimum penalty to be imposed for a violation shall be \$100.00 and the maximum shall be \$1,250.00, in the discretion of the Municipal Court Judge.
- B. The Township may also institute civil proceedings for injunctive or civil relief.
- C. In addition to the recourse set forth in Subsections **A** and **B** above, if the invasive plant property owner does not accomplish the removal of the invasive plant from public property or a public right-of-way in accordance herewith, the Township, at its option and discretion, may remove the invasive plant, certify the costs of removal and impose a lien on the owner's property.
- D. Nothing herein shall be interpreted as limiting the rights of a private property owner to seek civil relief through a court of proper jurisdiction, nor the institution of civil proceedings against the invasive plant property owner and/or other responsible private parties.

SECTION II: Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason by any Court of competent jurisdiction, such provision(s) shall be deemed severable and the remaining portions of this Ordinance shall remain in full force and effect.

SECTION III. Repealer. All ordinances or parts of ordinances or resolutions that are inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

SECTION IV. Effective Date. This ordinance shall take effect after the second reading, public hearing, adoption and publication, in accordance with the law.

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Township Committee of the Township of Franklin in the County of Warren and State of New Jersey, at the Municipal Building, 2093 Rt. 57, Broadway, New Jersey, to be held on April 4, 2022, and will be further considered for final passage after public hearing thereon at a regular meeting of said Township Committee on May 2, 2022. at which time all persons interested may appear for or against the passage of said Ordinance.

Introduced Date:

Adopted Date:

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Denise L. Becton, Clerk

On motion by Committeeperson Bonnie Butler and seconded by Committeeperson Mike Ferri the aforementioned **Ordinance No. 2022-4** be adopted at first reading. Final reading and adoption to take place on **May 2, 2022 at or near 7:00 p.m.**

<b>Roll Call Vote</b>	<b>Yes</b>	<b>No</b>	<b>Absent/Abstain</b>
Bonnie Butler	X		
Rich Herzer	X		
David Guth	X		
Michael Toretta	X		
Mike Ferri	X	(5) Yes	(0) No (0) Absent/Abstained 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 April 4, 2022. Second reading, public hearing will be held on May 2, 2022, at or near 7:00 PM in the Franklin Township Municipal Building, 2093 Rt. 57, Broadway, New Jersey.

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

**FRANKLIN TOWNSHIP**

**ORDINANCE NO. 2022-5**

**ORDINANCE MANDATING THE CONNECTION TO THE PUBLIC WATER SYSTEM AND THE SEALING OF POTABLE WELLS FOR PROPERTIES WITHIN THE WILLOW GROVE ROAD & GOOD SPRINGS ROAD GROUNDWATER CONTAMINATION AREA**

**WHEREAS**, the State of New Jersey Department of Environmental Protection has determined that certain properties located within Franklin Township are located in an area defined as containing properties that have contaminated or threatened wells should be connected to the public water supply system and the potable wells sealed: and

**WHEREAS**, the State of New Jersey Department of Environmental Protection and Franklin Township have entered into an agreement for the construction of a public water supply system that includes the construction of service connections and sealing of wells at those properties defined as having contaminated or threatened wells; and

**WHEREAS**, the Franklin Township Committee has determined that once a public water supply is available to these properties the properties shall be required to hook-up to the public water supply system and abandon the private wells located on the property.

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

1. Upon notification of the completion of a public water supply servicing their properties the following properties shall be required to connect to the public water supply system within 30 days:

**PROJECT AREA**

<u>BLOCK</u>	<u>LOT</u>
41	2
42	2.01
42	2.02
42	2.03
42	2.04
41	3.01
41	4
42	3
42	10.04
42	10
42	2
42	10.05
42	10.03
42	2
42	10.02
42	11
41	11
41	12
41	12.01
41	12.02
34	9

2. Upon completed hook-up to the public water supply system all potable wells on the properties referred to in Section 1 shall be sealed within sixty (60) days.

3. Any person who commits a violation of this ordinance shall, upon conviction thereof, pay a fine to be determined in the discretion of the Municipal Court Judge. In addition to the above penalties, if the owner of any house, building or structure referred to in Section 1 hereof shall fail to make the installation or connection required by this Ordinance within the time herein required, then the Township shall have the right to seek an Order from a Court of competent jurisdiction to compel a property owner to comply with the requirements of this Ordinance and to make the connection to the public water system and seal the well together with attorney fees and costs incurred by the Township in seeking such enforcement, or, in the alternative, to have the Township enter onto the property to make such connection or installation and assess the cost thereof as a lien against the property pursuant to and in accordance with provisions of applicable regulations and statues.

4. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

5. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

6. This Ordinance shall take effect immediately after final passage and publication in the manner provided by law.

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced at a meeting of the Township Committee of the Township of Franklin in the County of Warren and State of New Jersey, held on April 4, 2022, and will be further considered for final passage after public hearing thereon at a regular meeting of said Township Committee on May 2, 2022.

Dated: April 4, 2022

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Denise L. Becton, Clerk

On motion by Committeeperson David Guth and seconded by Committeeperson Rich Herzer the aforementioned **Ordinance No. 2022-5** be adopted at first reading. Final reading and adoption to take place on **May 2, 2022 at or near 7:00 p.m.**

<b>Roll Call Vote</b>	<b>Yes</b>	<b>No</b>	<b>Absent/Abstain</b>
Bonnie Butler	X		
Rich Herzer	X		
David Guth	X		
Michael Toretta	X		
Mike Ferri	X	(5) Yes (0) No (0) Absent/Abstained	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 April 4, 2022. Second reading, public hearing will be held on May 2, 2022, at or near 7:00 PM in the Franklin Township Municipal Building, 2093 Rt. 57, Broadway, New Jersey.

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

### **ORDINANCE 2022-6 FRANKLIN TOWNSHIP WARREN COUNTY, NEW JERSEY**

#### **ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF WARREN, STATE OF NEW JERSEY TO AMEND, REVISE AND SUPPLEMENT CHAPTER 102, "NUISANCES," OF THE CODE OF THE TOWNSHIP OF FRANKLIN TO CREATE ARTICLE II PROHIBITING CERTAIN NUISANCES.**

**WHEREAS**, the Committee of the Township of Franklin, County of Warren, State of New Jersey, has determined that a new Chapter 102, "Nuisances," of the Code of the Township of Franklin must be adopted to prohibit certain nuisances.

**WHEREAS**, the Committee of the Township of Franklin, County of Warren, State of New Jersey, is of the view that the aforesaid ordinance is in the best interests of the Township and will protect the public health, safety and welfare of its citizens.

**NOW, THEREFORE, BE IT ORDAINED** by the Committee of the Township of Franklin, County of Warren, State of New Jersey that the Code of the Township of Franklin be and hereby is revised through the addition of a new Chapter 102 "Nuisance," as follows:

#### Section I:

#### **Chapter 102 NUISANCES**

§ 102-1. Statement of purpose.

The purpose of this article shall be to promote the general health, welfare, safety and convenience of the Township of Franklin and the inhabitants thereof by proscribing certain practices and, hazards which are, or may be, nuisances and to permit the appropriate authorities to take appropriate steps to control the practices herein proscribed.

§ 102-2. Definitions.

Wherever the following terms are used in this article, unless otherwise specified, they shall have the following meanings:

**PERSON:** Includes an individual, firm, corporation, association, society and partnership and any agent, servant or employee of any of the above.

§ 102-3. Nuisances proscribed.

It shall be unlawful for any person or persons to commit or allow nuisances as hereinafter defined in § 102-4.

§ 102-4. Nuisances enumerated.

The following matters, things, conditions or acts, and each of them, are hereby declared to be a nuisance and injurious to the health, safety, welfare or convenience of the inhabitants of the Township of Franklin:

- A. Pollution, or the existence of a condition or conditions which cause or threaten pollution, of any waters within the Township of Franklin in such manner as to cause or threaten injury to any of the inhabitants of the Township of Franklin in their health, safety, welfare and convenience either in their person or property.
- B. The escape into the open air from any stack, vent, chimney or any entrance to the open air, or from any fire into the open air, of such quantities of smoke, soot, fly ash, dust, fumes, vapors, mists or gases as to cause injury, detriment or annoyance to the inhabitants of the Township of Franklin or endanger their comfort, repose, health, safety or property.
- C. Spitting upon any public sidewalk or upon any part of the interior of any building or public conveyance.
- D. The making, continuing or causing to be made or continued by any person of any loud, unnecessary or unusual noise or any noise which does or is likely to annoy, disturb or endanger the comfort, repose, health, peace or safety of others. Without intending to limit the generality of § 102-4D, the following acts are hereby declared to be examples of loud, disturbing and unnecessary noise in violation of this section:
  - (1) Radios; televisions; phonographs: the playing, use or operation of any radio receiving set, television, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet and comfort of neighboring inhabitants or with louder volume than is necessary for convenient hearing for persons who are in the room, vehicle or chamber in which the machine or device is operated and who are voluntary listeners. The operation of such a set, instrument, phonograph, machine or device so that it is clearly audible at a distance of 100 feet from the building, structure, or vehicle in which it is located shall be prima facie evidence of a violation of this section.
  - (2) Yelling; shouting: yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of 11:00 p.m. and 7:00 a.m., or at any time or place, which annoys or disturbs the quiet, comfort or repose of persons in any office, dwelling, hotel, motel or other type of residence or of any persons in the vicinity.
  - (3) Animals; birds: the keeping of animals or birds which, by causing frequent or long-continued noise, disturb the comfort or repose of any person in the vicinity; but nothing herein contained is intended to apply to a dog pound or kennel licensed.
  - (4) Horns: the sounding of a horn or warning device on an automobile, motorcycle, bus or other vehicle except when required by law, or when necessary to give timely warning of the approach of the vehicle, or as a warning of impending danger or to persons driving other vehicles or to persons on the street. No person shall sound a horn or warning device on an automobile, motorcycle, bus or other vehicle which emits for an unreasonable period of time.

- E. The growth, existence or presence of ragweed on any plot of land, lot, highway, right-of-way or any other public or private place.
- F. The growth, existence or presence of poison ivy, poison oak or poison sumac within 20 feet of any property line.
- G. The existence or presence of any water or other liquid in which mosquito larvae breed or exist.
- H. The existence or presence of any accumulation of garbage, refuse, manure or animal or vegetable matter which may attract flies or to which flies may have access or in which fly larvae or pupae may breed or exist.
- I. Depositing, accumulating or maintaining any matter or thing which serves as food for insects or rodents and to which they may have access or which serves as or constitutes a breeding place or harborage for insects or rodents in or on any land, premises, building or other place.
- J. Any act, matter, thing or condition which is or may become detrimental or a menace to the health of the inhabitants of the Township of Franklin or which is or may become an annoyance or interfere with the comfort or general well-being of the inhabitants of the Township of Franklin.

The above declaration of nuisances is not meant to interfere with any generally accepted agricultural practices as defined in the Franklin Township Code §73-2 Right to Farm.

#### § 102-5. Enforcement.

The provisions of this article may be enforced by the police agencies of the Township of Franklin, any Township Official designated by the Franklin Township Committee, or upon the filing of a complaint in the Municipal Court of the Township of Franklin by any inhabitant of the Township of Franklin, either with or without prior notice to the person committing a violation of this article.

#### § 102-6. Violations and penalties.

Any person who violates any provision of this article shall, upon conviction thereof, be subject to the minimum maximum monetary penalties for initial and repeat violations and all other remedies, including jail time and/or community service, in the discretion of the Municipal Court Judge, in accordance with N.J.S.A. 40-49-5.1.

SECTION II: Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason by any Court of competent jurisdiction, such provision(s) shall be deemed severable and the remaining portions of this Ordinance shall remain in full force and effect.

SECTION III. Repealer. All ordinances or parts of ordinances or resolutions that are inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

SECTION IV. Effective Date. This ordinance shall take effect after the second reading, public hearing, adoption and publication, in accordance with the law.

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced at a meeting of the Township Committee of the Township of Franklin in the County of Warren and State of New Jersey, held on April 4, 2022, and will be further considered for final passage after public hearing thereon at a regular meeting of said Township Committee on May 2, 2022.

Dated: April 4, 2022

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Denise L. Becton, Clerk

On motion by Committeeperson Rich Herzer and seconded by Committeeperson Mike Ferri the aforementioned **Ordinance No. 2022-5** be adopted at first reading. Final reading and adoption to take place on **May 2, 2022 at or near 7:00 p.m.**

<b>Roll Call Vote</b>	<b>Yes</b>	<b>No</b>	<b>Absent/Abstain</b>
Bonnie Butler	X		
Rich Herzer	X		
David Guth	X		
Michael Toretta	X		
Mike Ferri	X	(5) Yes (0) No (0) Absent/Abstained	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 April 4, 2022. Second reading, public hearing will be held on May 2, 2022, at or near 7:00 PM in the Franklin Township Municipal Building, 2093 Rt. 57, Broadway, New Jersey.

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

### **DISCUSSIONS/APPROVALS**

On motion by Committeeperson Mike Ferri and seconded by Committeeperson Bonnie Butler to approve from Aare Network, Inc their Annual Maintenance Support Contract and the Tax Server Network Congestion and Wi-Fi for Recreation Area proposal.

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

On motion by Committeeperson Mike Ferri and seconded by Committeeperson Bonnie Butler to approve the Interlocal Agreement between the Pollution Control Financing Authority of Warren County. Signing this agreement Franklin Township would pay \$84 per ton versus \$96.

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



On motion by Committeeperson Rich Herzer and seconded by Committeeperson David Guth to authorize new signatures with PNC Bank, mayor, clerk, and CFO.

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

A discussion to have municipal mail delivered to the office in lieu of renting a post office box. A consensus to proceed and for the clerk will look into this further.

### **OLD BUSINESS**

Attorney Benbrook touched base on the Affordable Housing Litigation and will invite Planner Jim Kyle to be present at a future meeting for additional discussion on this topic.

### **REPORTS/UPDATES**

#### **Engineer –**

Donna Becker recapped on the Water Main Ordinance introduced this evening. The next step is the execution of the contract for work to commence.

On motion by Committeeperson Mike Ferri and seconded by Committeeperson Bonnie Butler to authorize the mayor/clerk to sign the NRCS Contract for Shurts Road to start this project.

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

Millbrook Road Section I has DOT approval and Section II is waiting on DOT approval.

Mayor Toretta looking for the retention on Good Springs Road to be filled in and corrected, looking for an update.

#### **Attorney –**

Attorney Benbrook is looking for a light pollution ordinance. He will re-codify the personnel policy with changes discussed at an earlier meeting and have this ready for next month. The tax foreclosure complaint has been filed. Committeeperson Herzer inquired as to the status of solar on township properties, attorney will follow up on this.

**Open Space Commission –** no one present

**Jim Onembo – Code Enforcement/Zoning - Report submitted and on file**

**Recycling – Report submitted and on file**

**Fire Department/EMS – Jan Verkade – report submitted and on file**

**Office of Emergency Management** – Deputy Guth – apologies to Denise as frustrations with the lack of work in this office she was included, and this was not her responsibility as Deputy. OEM Tabert is working with the county as to records that are needed, Hazard Mitigation Plan, radio checks, Emergency Operations Plan and will be looking into grants we qualify for. Our shelter procedures are antiquated and also are being addressed. Looking to replace the outdated desktop in the office with a laptop. Denise advised for Winter Storm Orlena on 12/3/21 over \$24,000 was directly deposited from FEMA.

**DPW REPORT – Joe Biel – report submitted**

Foreman Biel informed they started the curbside brush pick up today in the township. Foreman will look to speak with Nelson’s Tree Service as to some cutting back of tree branches on Willow Grove Road.

**Franklin Township Youth Association** – No one present

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

**Franklin Township Community Center – Eddy Patient** – not present

**NJSP-** no representation present

**Township Committee Reports:**

**Bonnie Butler-**

Group homes on Willow Grove Road and Third Street. Are they still in operation? Appears major renovations going on in the Willow Grove one. Third is still operating.

**Mike Ferri** – nothing further to report

**Rich Herzer –**

A discussion ensued as to the Community Center being over utilized as well as our septic system. Use by FTYA and Franklin Township residents only not renting out to outside organizations, might help. Cost to run the facility, utilities, and toilet paper are also a factor. Regular pumping of the septic system would keep the septic working properly per Donna Becker. Attorney informed maybe we should use Open Space Funds to perform a septic inspection. Continued discussion next month.

**Mayor Toretta** – Thank you to Denise and Eddy for all their efforts to register and report TREC’s and we should start to see a kick back finally for our roof top solar.

**David Guth** – Two time clocks will be purchased for \$398 each and a 35 monthly fee for both. This will help streamline hours worked by each employee to go direct to the CFO making payroll easier.

On motion by Committeeperson David Guth and seconded by Committeeperson Rich Herzer to purchase the time clocks.

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

Mr. Guth also thanked the DPW for a job well done on the renovations in the OEM Office.

**At this time, the floor was open to Public Session at approximately 8:22 p.m., by Mayor Toretta.**

**OPEN PUBLIC SESSION**

Janis Liepins – A concern for health/safety to slow the traffic on Asbury-Broadway Road. Engineer to draft a letter to the County Engineer.

Nancy Miller – A concern as to a Janitorial Services business at 9 Stewartville Road in a residential neighborhood. WC Health Department investigated allegations of garbage bags on the property of cleaning supplies as well as Zoning Officer Onembo found to be mulch.

Christina Podobed – continued harassment, taunting and noise continues with 9 Stewartville Road. Attorney informed that the ordinance introduced tonight will allow you to sign a complaint through the municipal court.

David Leary - A concern as to possibly one person not capping their well in the Dioxane project, will this cause a problem to move forward. As to the previous discussion to possibly eliminating the community center why not raise rental rates to pump the septic more to relieve stress to the system?

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

**MOTION FOR PAYMENT OF BILL LIST:**

On motion by Mike Ferri and seconded by Bonnie Butler, to pay, the Bills List as submitted by the CFO.

<b>Roll Call:</b>	<b>Yes</b>	<b>No</b>	<b>Absent/Abstained</b>
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 Mike Ferri and seconded by Rich Herzer, hearing no objection, meeting stands adjourned at 8:55 pm.

<b>Roll Call:</b>	<b>Yes</b>	<b>No</b>	<b>Absent</b>	<b>Abstained</b>
Bonnie Butler	X			

Mike Ferri X  
Rich Herzer X  
David Guth X  
Mike Ferri, Mayor X  
Respectfully submitted,

(5) Yes (0) No (0) Absent Motion carried

Denise L. Becton, RMC/CMR  
Municipal Clerk