

**REGULAR MEETING  
Monday, May 2, 2022**

The Franklin Township Committee held a Regular Monthly Meeting on Monday, May 2, 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, Mike Finelli, Municipal Engineer, Joe Biel, DPW Foreman, Jim Onembo, Zoning/Code Enforcement, Eddy Patient, FTCC, Jan Verkade, Fire/EMS, Denise L. Becton, Municipal Clerk.

**CONSENT AGENDA:**

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

- 1. APPROVAL**
  - a. Meeting Minutes **RE: April 4, 2022**
  - b. Workshop Minutes **RE: April 11, 2022**

On motion by Committeeperson David Guth and seconded by Rich Herzer, to approve the minutes 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				
Mike Ferri	X				
David Guth	X				
Rich Herzer	X				
Mike Toretta, Mayor	X				
		(5) Yes	(0) No	(0) Absent	Motion carried

**DISCUSSIONS/APPROVALS**

**Tax Appeal – Craig W. Kantor and Sudha Tiwari v. Franklin Township**

On motion by Committeeperson David Guth and seconded by Mike Ferri, to authorize, previous Special Tax Counsel, Richard Conley to execute the Stipulation of Settlement.

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

**Proposed Community Solar Projects on 2010 Rt. 57 and 2067 Rt. 57**

As per Zoning Officer Onembo, this application was rejected by our Land Use Board. The consensus of the township committee currently, it is not an appropriate time to discuss until projects are under construction.

**WC Community College Balloon Festival – June 3-5, 2022**

The township committee authorized Mayor Toretta to execute a letter in support of the balloon festival and we do not possess an ordinance that would prohibit this event.

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

**Mail delivery vs. Post Office Pick up of Municipal Mail**

After looking into this further, changing of our mailing address might be more of a conundrum. Keeping our post office box at the Broadway Post Office might be a more secure way to receive tax payments in lieu of mail delivery at municipal offices.

**OLD BUSINESS**

**PUBLIC HEARING AND CONSIDERATION OF:**

**Final Reading and Adoption of Ordinance 2022-4**

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

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

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

No Public Comments

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

On motion by Committeeperson Bonnie Butler and seconded by Committeeperson Mike Ferri the aforementioned **Ordinance No. 2022-4** be adopted at public hearing.

<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

**Final Reading and Adoption of Ordinance 2022-5**

**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**

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

No Public Comments

On motion by David Guth and seconded by Rich Herzer to close the Public Hearing and adopt the aforementioned **Ordinance No. 2022-5**.

<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

**Final Reading and Adoption of Ordinance 2022-6**

**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**

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

No Public Comments

On motion by Mike Ferri and seconded by Rich Herzer to close the Public Hearing and adopt the aforementioned **Ordinance No. 2022-6**.

<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

**REPORTS/UPDATES**

**Engineer –**

The deadline to submit the NJDOT 2023 DOT Grant is July 1<sup>st</sup>.

On motion by Committeeperson Mike Ferri and seconded by Committeeperson Bonnie Butler to authorize the Engineer Finelli to apply for Millbrook Road, Section III and Willow Grove Road.

<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

Updates given, Millbrook Road, Section I is ready to go and Millbrook Road, Section II is in the design phase, however due to budget constraints they are on hold.

The Dioxane Water Main Project is moving forward. The Resolutions previously adopted, and Ordinance 2022-5 adopted this evening will be executed/certified and sent to the state. Attorney Benbrook spoke with our bond counsel about getting the funding in place for this project.

Shurts Road – NRCS Grant Project is moving forward.

Montana Road Retaining Wall Repair – The contractor expects to start this project in a couple of weeks.

**Attorney – Report on File**

Attorney Benbrook informed the committee that the two pending litigations are still ongoing. He is still working on a new “Draft” to update our Personnel Policy.

Affordable Housing Litigation, we have a judgement from the court approving settlement. It is the attorney’s recommendation to dismiss litigation due to the time and expense it would take and our limited exposure to a builder’s remedy type of lawsuit.

On motion by Committeeperson David Guth and seconded by Committeeperson Mike Ferri upon attorney recommendation to dismiss this litigation.

<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

Attorney has been in contact with Mark Bellin, Esq., which represents the solar company, and they would be interested in the Brandywine and Habitat land to put solar on. Attorney Benbrook will follow up.

**Open Space Commission –** no one present

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

Mr. Onembo touched base on property at 103 Halfway House Road and the several OPRA requests received. No easement of record and people crossing over the property to gain access to hunt. It is not a buildable lot.

**Recycling –**

Spring Clean Up is scheduled for June 27<sup>th</sup>-July 2<sup>nd</sup> this year. Passes should be ready by the end of May to issue.

**Fire Department/EMS – Jan Verkade**

Chief Verkade present advising nothing new for this month and answering calls.

**Office of Emergency Management – Deputy Guth**

Several meetings and a mandatory class, May 20th are scheduled for this month. Shelter emergency operation plans continue. Organization of an Emergency Planning Committee with Fire/EMS/DPW/NJSP, etc. OEM grants not submitted last year a letter sent by Bill Hunt of the WCOEM should help to prepare for future grants. The EMAA Grant submitted on 4/9 is in the first step process.

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

A discussion in reference to the work at 105 Good Springs Road. Contractor Bartha is backed up from completing this job and has been in contact with the homeowner as to the grading. Once the repairs have been satisfied the homeowner will be advised of the cost out of pocket from the contractor and our DPW.

Mayor Toretta informed that work on Stewartsville Road, near the Hopek residents needs to be rectified. Willow Grove Road tree trimming job completed.

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

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

**NJSP-** no representation present

**Township Committee Reports:**

**Bonnie Butler-**

Has another name of a solar company as to leasing township property. Met with Foreman Biel and Laborer Tampier at the New Village Field as to a potential walking path. Figures of \$19,000 for 4” of black top over QP, \$1,300 weekly machine rental, fence \$11,000 through Co-op. Previously the Lions Club mentioned donation of money for playground equip. A cost of \$38,300 for material/installation and there is plenty of money in the Open Space and Recreational Trust Fund. This would be a total asset to our community. Posting of no pets, dusk to dawn, and include 6 stone parking spaces on Third Street. A concern was raised as to how many kids are in the area that would use this and who will police it. Poll the residents in the vicinity to see if there would be an interest. Discussions to continue.

**Mike Ferri** – nothing further to report

**Rich Herzer –**

Mr. Herzer inquired as to the REM Foreclosures and when we can expect this to be finalized. Appears per Attorney Benbrook we should be able to advertise and apply for final judgement before the next meeting. Kober’s property, there is nothing new to report per attorney.

**David Guth** – nothing further to report

**Mayor Toretta** – nothing further to report

**Community Center – Eddy Patient-report submitted and on file**

After meeting with Mayor Toretta and was informed of the committee’s concerns with the community center. Rental fees for 2022 have been increased by 10% for non-FTYA groups and will net and extra \$3-4,000 this year. Next year an additional 10% again to non-FTYA groups will be applied. There is still a concern as the intended use of this building as a warehouse and the septic system. Eddy spoke with Delaware Valley Septic, and they will have portable toilets to alleviate heavy septic use, only allowing daytime groups the availability the use of our restrooms during normal daytime municipal hours.

On motion by Bonnie Butler and seconded by Mike Ferri, to schedule an inspection of our septic with Delaware Valley Septic.

<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

Additional discussion as to the rental fees being way too low now and an additional 10% just doesn’t seem enough due to inflation/fuel.

On motion by David Guth and seconded by Rich Herzer, to increase the rental fees for non-FTYA groups by 25% for 2022.

<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			
		(4)	Yes (1) No (0) Absent	Motion carried

**At this time, the floor was open to Public Session at approximately 8:16 p.m., by Mayor Toretta.**

**OPEN PUBLIC SESSION**

Karen Chiu-What happened to the walking path across from the school. Way too expensive.

Jan Verkade-informed that the proposed walking path in New Village is a landing zone and if they decide to move forward to involve the fire department with the design.

**At this time, close the floor to Public Session at 8:18 p.m., all in favor.**

**EXECUTIVE SESSION**

**BE IT RESOLVED** on this 2nd day of May 2022, by the Township Committee of the Township of Franklin and pursuant to N.J.S.A. 10:4-1, that the Township Committee shall discuss the following matter in executive session

**Contract Negotiations**

It is not possible at this time for the Township Committee to determine when and under what circumstances the item which is to be discussed in executive session can be publicly disclosed.

**THEREFORE**, be it resolved on this 2nd day of May 2022 by the Franklin Township Committee, that the matter stated will be discussed in executive session, said session to commence at 8:18 p.m.

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

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

Attorney Benbrook summarized the executive session discussions. Pending contract negotiations our DPW employees want to become unionized. There is no issue for all three members of the DPW to join the union.

On motion by Rich Herzer and seconded by Mike Ferri by roll call to introduce the 2022 budget as appended to these minutes.

<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

**Introduction/Adoption of the following Resolutions: Resolution 2022-36, Resolution 2022-39, Resolution 2022-37, Resolution 2022-38**

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

**RESOLUTION #2022-36**

**WHEREAS**, the provisions of the Township of Franklin’s open space ordinance allows the township committee to set the open space tax rate annually within a specified range; and,

**WHEREAS**, the township committee desires to set municipal open space tax rate at **\$0.00** per \$100 of assessed valuation for the 2022 calendar year.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Franklin that election be made to set the municipal open space tax rate at **zero** per \$100 of assessed valuation for the 2022 calendar year.

On motion by Mike Ferri and seconded by Rich Herzer the aforementioned **Resolution 2022-36** be adopted as read.

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

**RESOLUTION 2022-39**  
**SELF-EXAMINATION OF BUDGET RESOLUTION**

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Town of Belvidere has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2022 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the Township of Franklin, Warren County, that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
  - a. Payment of interest and debt redemption charges
  - b. Deferred charges and statutory expenditures
  - c. Cash deficit of preceding year
  - d. Reserve for uncollected taxes
  - e. Other reserves and non-disbursement items
  - f. Any inclusions of amounts required for school purposes.
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
  - a. All estimates of revenue are reasonable, accurate and correctly stated,
  - b. Items of appropriation are properly set forth
  - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.



On motion by Mike Ferri and seconded by Rich Herzer the aforementioned **Resolution 2022-39** 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) Yes (0) No (0) Absent</b>	<b>Motion Carried</b>

**RESOLUTION 2022-37  
Amendment to 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>, 2025; 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 Mike Ferri and seconded by Rich Herzer the aforementioned **Resolution 2022-37** 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>

**RESOLUTION 2022-38  
Amendment to Resolution 2022-36  
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 her 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, 2025.

On motion by Mike Ferri and seconded by Rich Herzer the aforementioned **Resolution 2022-38** 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		

**(4) Yes (1) No (0) Absent Motion Carried**

The Township Committee tabled the Introduction by Title Only; Ordinance 2022-7; Salary Ordinance.

**MOTION FOR PAYMENT OF BILL LIST:**

On motion by Rich Herzer and seconded by David Guth, to pay, the Bills as submitted by the CFO condition upon majority of Township Committee Signatures.

<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 Bonnie Butler and seconded by David Guth, hearing no objection, meeting stands adjourned at 9:09 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			

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

Respectfully submitted,

Denise L. Becton, RMC/CMR  
Municipal Clerk