

REGULAR MEETING

The Franklin Township Committee held its regular monthly meeting, on Monday, November 1, 2021. Mayor Mike Ferri opened the meeting, at approximately 7:00 pm, 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, a **ROLL CALL OF COMMITTEE MEMBERS PRESENT:** Bonnie Butler, Rich Herzer, Mike Toretta, Mayor Mike Ferri, (4) Present.

Present: Denise L. Becton, Municipal Clerk, Kevin Benbrook, Municipal Attorney, Mike Finelli, Municipal Engineer, Kathleen Reinalda, CFO, Joe Biel DPW Acting Foreman

CONSENT AGENDA:

(One Roll Call to approve the following agenda items 2-3)

- 2. **APPROVAL**
 - a. Meeting Minutes **RE: October 4, 2021**
 - b. Executive Meeting Minutes **RE: October 4, 2021**

- 3. **RESOLUTIONS – FIRST READING/ADOPTION**
 - b. Res. 2021-62 **RE: Authorize Execution of Addendum of Lease Agreement with Jason Petty**

The approval of the above **Consent Agenda** on motion by Committeeperson Rich Herzer and seconded by Committeeperson Mike Toretta.

Roll Call Vote	Yes	No	Absent/Abstained
Mayor Mike Ferri	X		
Bonnie Butler	X		
Michael Toretta	X		
Richard Herzer	X	(4)Yes (0) No (0) Absent	Motion carried

FIRST READING/ADOPTION

RESOLUTION 2021-62

RESOLUTION AUTHORIZING EXECUTION OF ADDENDUM TO LEASE AGREEMENT WITH JASON PETTY

WHEREAS, the Township and Jason Petty (hereinafter “Farmer”) entered into a Lease dated March 7, 2016 for property known as the Brandywine Property and identified as Block 26, Lots 3 and 8, containing approximately 60.5 ± acres, following the advertising for bids; and

WHEREAS, pursuant to paragraph 4.4.1 of said Lease, the Township had the right to extend the Lease for an additional time period by Resolution setting forth the terms of the extension; and

WHEREAS, the Township and Farmer previously entered into an Addendum extending the Lease through the 2021 harvest season; and

WHEREAS, the Township and Farmer wish to further extend the term of the Lease for the 2022 and 2023 harvest seasons by virtue of an Addendum.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Franklin, County of Warren, State of New Jersey, that the Lease with Jason Petty, dated March 7, 2016, and the subsequent Addendum extending the same through the through the end of the harvest season in 2021, be and hereby is extended two (2) additional harvest seasons, through the 2023 harvest season;

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to execute the Addendum to Lease Agreement attached hereto as **Exhibit A**.

On motion by Rich Herzer and seconded by Mike Toretta the aforementioned **Resolution 2021-62** be adopted as read.

Roll Call Vote	Yes	No	Absent/Abstained
Bonnie Butler	X		
Rich Herzer	X		
Michael Toretta	X		
Mayor Mike Ferri	X	(4) Yes (0) No (0) Absent	Motion Carried

CERTIFICATION

I, Denise L. Becton, Municipal Clerk of the Township of Franklin, do hereby certify the foregoing to be a true copy of a Resolution adopted by the Franklin Township Committee at a meeting held on November 1, 2021.

Denise L. Becton RMC/CMR

Dated: November 1, 2021

NEW BUSINESS

FIRST READING/INTRODUCTION – Ordinance 2021-11 Ordinance to authorize Charitable Organizations to contributions in the roadways of the Township of Franklin

This ordinance will be tabled until next month for further direction from the County.

DISCUSSIONS – Best Practices Inventory – CY2021

The CFO/Municipal Clerk have submitted/certified, the Checklist in the FAST On-Line Platform System to the State of NJ, withholding no State Aid.

OLD BUSINESS

PUBLIC HEARING AND CONSIDERATION OF:

Final Reading and Adoption of Ordinance 2021-10

ORDINANCE 2021-10

**AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN
AMENDING CHAPTER 90 OF THE CODE OF THE TOWNSHIP OF FRANKLIN
ENTITLED, "LAND USE AND DEVELOPMENT" TO REVISE SECTION 90-54 WITH
RESPECT TO THE KEEPING OF FARM ANIMALS**

On motion by Mike Toretta and seconded by Rich Herzer to open Public Hearing.
Public Comments - Marilyn Brandt raised a question as to Section 6 of this ordinance to allow on non-farm assessed properties with so many acres.

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

Motion to adopt by Bonnie Butler and seconded by Mike Ferri with amendment addressed in Public Comments. *See below Amended version as adopted.*

ORDINANCE 2021-10

AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN AMENDING CHAPTER 90 OF THE CODE OF THE TOWNSHIP OF FRANKLIN ENTITLED, "LAND USE AND DEVELOPMENT" TO REVISE SECTION 90-54 WITH RESPECT TO THE KEEPING OF FARM ANIMALS

BE IT ORDAINED by the Mayor and Committee of the Township of Franklin, County of Warren, State of New Jersey, that Chapter 90 of the Code of the Township of Franklin entitled, "Land Use and Development" is hereby amended as follows:

Section 1.

Section 90-54, Subsections I and J replaced with a new Subsection J entitled, "Domestic Livestock," as follows:

J. Keeping of Domestic Livestock.

(1) Domestic livestock shall mean cattle, horses, poultry, rabbits, small ruminants, and swine, as each is defined by the Department of Agriculture in N.J.A.C. 2:8-1.2. Livestock shall also mean camelids, including llamas and alpacas.

(2) All domestic livestock shall be kept and cared for in a humane fashion consistent with the feeding, watering, keeping, care, and treatment provisions for each type of domestic livestock, as established by the Department of Agriculture in N.J.A.C. 2:8-2.1 through 2:8-6.7. Camelids shall be subject the regulations for horses.

(3) The keeping of swine shall be prohibited except on farms that have been certified by the Warren County Agricultural Development Board as commercial farms.

(4) No structure, including fencing, designed to house any poultry or rabbits shall be located closer than 25' from any residential dwelling on adjacent property. All structures, exclusive of fencing, designed to house cattle, horses, small ruminants or camelids shall comply with the applicable minimum setbacks for accessory structures in the applicable zone where the property is situated.

(5) The number of poultry and/or rabbits that can be maintained on any property that is not farmland assessed shall be limited to no more than a total of ten (10) animals. The keeping of roosters shall be expressly prohibited on any property that is not farm assessed.

(6) *Horses, cattle, small ruminants, and camelids shall not be permitted to be kept on property that is not farm assessed, however, but will be allowed on properties of 6 acres or more.*

(7) Any domestic livestock being maintained on any property not in conformance with this Section shall be permitted to remain as a preexisting nonconforming use. However, no such existing domestic livestock shall be permitted to be replaced with new livestock except in conformance with this Section.

(8) The provisions of the Section may be enforced by the Township's Zoning Officer,

the Township's Animal Control Officer, or other authorized individuals from the County of Warren Board of Health and/or the New Jersey Department of Agriculture.

Section 2.

Should any section, paragraph, sentence, clause, or phase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect, and to that end the provisions of this ordinance are hereby declared to be severable.

Section 3.

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

Effective Date.

This ordinance shall take effect immediately upon passage and publication as required by law.

ATTEST:

Denise L. Becton, Clerk

Mike Ferri, Mayor

PUBLIC NOTICE

PLEASE TAKE NOTICE that the foregoing Ordinance was introduced and passed on first reading on the 4th day of October, 2021, at a meeting of the Township Committee of the Township of Franklin and will be taken up for final consideration and passage at a regularly scheduled meeting of the Mayor and Township Committee of the Township of Franklin to be held on the 1st day of November, 2021, at the Municipal Building, 2093 Route 57, Broadway, New Jersey.

Denise L. Becton, Clerk

Introduced: October 4, 2021
Adopted: November 1, 2021

On motion by Bonnie Butler and seconded by Rich Herzer the aforementioned **Ordinance 2021-10** be adopted as read. Final reading and adoption to take place on November 1, 2021, **at 7:00 p.m. or near that hour.**

Roll Call Vote	Yes	No	Absent/Abstain	
Bonnie Butler	X			
Rich Herzer	X			
Michael Toretta	X			
Mike Ferri, Mayor	X	(4) Yes	(0) No	(0) Absent Motion carried

On motion by Committeeperson Bonnie Butler and seconded by Mike Ferri the aforenoted **Ordinance 2021-10** be adopted as amended.

Roll Call Vote	Yes	No	Absent/Abstain	
Bonnie Butler	X			
Rich Herzer	X			
Michael Toretta	X			
Mike Ferri, Mayor	X	(4) Yes	(0) No	(0) Absent Motion carried

CERTIFICATION

I, Denise L. Becton, Registered Municipal Clerk of the Township of Franklin, County of Warren, State of New Jersey, do hereby certify that this a true and correct copy of an Ordinance introduced by the Township Committee of the Township of Franklin at their regular meeting held on October 4, 2021. Second reading, public hearing will be held on November 1, 2021, at or near 7:00 PM in the Franklin Township Municipal Building, 2093 Rt. 57, Broadway, New Jersey.

Denise L. Becton, Municipal Clerk

REPORTS/UPDATES

Engineer Report – No formal report submitted – The retaining wall on Montana Road, work to start within 2 weeks. Easements will be executed. Good Springs Road drainage issue is being worked out. We received a DOT Grant for Millbrook Road Section II with a considerable shortfall for this project. Asked for \$255,000 and received \$87,000.

Attorney Report – No formal report submitted – The Personnel and Procedures Manual has been updated per MEL requirements. Many items have been deleted or consolidated in other sections. A new section was added to include Harassment, Family Leave, Workplace Violence, etc. Background Checks will be required for those involved with minors. The Manual will have to be circulated and signed off by all township employees. An escrow check and a Pre-Redevelopment agreement were received for Kober’s Property Solar Farm, LLC, Block 9 Lots 11 & 11.01.

FIRST READING/ADOPTION

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

RESOLUTION NO. 2021-63

Resolution Adopting Personnel Policies and Procedures

BE IT RESOLVED by the Mayor and Township Committee of the Township of Franklin, County of Warren, and State of New Jersey, that the Personnel Policies and Procedures Manual/Employee Handbook attached hereto is hereby adopted.

BE IT FURTHER RESOLVED that these personnel policies and procedures shall apply to all Township officials, appointees, employees, volunteers, and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

BE IT FURTHER RESOLVED that this manual is intended to provide guidelines covering public service by Township employees and is not a contract. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the Franklin Town Committee.

BE IT FURTHER RESOLVED that to the maximum extent permitted by law, employment practices for the Township of Franklin shall operate under the legal doctrine known as “employment at will.”

BE IT FURTHER RESOLVED that the Township Clerk and all managerial/supervisory personnel are responsible for these employment practices. The Township Attorney shall assist the Township Clerk in the implementation of the policies and procedures in this manual.

On motion by Mike Ferri and seconded by Bonnie Butler the aforementioned **Resolution 2021-63** be adopted as read.

Roll Call Vote	Yes	No	Absent/Abstained
Bonnie Butler	X		
Rich Herzer	X		
Michael Toretta	X		
Mayor Mike Ferri	X	(4) Yes (0) No (0) Absent	Motion Carried

CERTIFICATION

I, Denise L. Becton, Clerk of the Township of Franklin, County of Warren, do hereby certify that the foregoing is a true and exact copy of the Resolution adopted by the Franklin Township Committee on November 1, 2021.

Denise L. Becton, Township Clerk

Open Space Commission –

Committeeman Herzer informed, no meeting

Jim Onembo – Code Enforcement/Zoning - absent

Recycling – Report submitted

Office of Emergency Management - Denise Becton, DOEM – nothing to report

Fire Department/EMS – Karen Chiu – A thank you the DPW for bringing two vehicles to the Touch a Truck Fundraiser. December 3rd at 6:00 pm has been scheduled for the Holiday Tree Lighting Ceremony. Committeeperson Herzer thanked Ms. Chiu for her continued contributions to this town.

Franklin Township Community Center – Eddy Patient – Report submitted

Committeeperson Butler informed the ADA compliant bathroom is complete waiting on final inspection. The ramp has been removed and new stairs built in the center.

DPW REPORT – Joe Biel

Thanks to Sam Santini and Mike Toretta for their contributions of fall decorations for the municipal building. Roadside Clean Up is complete. Road Laborer I, new hire, started today.

Franklin Township Youth Association – No one present

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

NJSP- no representation present

Township Committee Reports:

Rich Herzer –

Committeeman Herzer updated on the Dioxane issue. A meeting with a representative from the NJAWC the past month went well getting a verbal on an extended waterline to those affected. David Guth informed he spoke with Keri Pflugh of the NJDEP. They have a team assigned to meet with these residents and will need contact phone numbers to gain access to their homes.

Mike Toretta –

Committeeman Toretta spoke with a representative from Sunwealth as to the Community Solar Project. JCP&L is not capable with their current billing system of applying community solar credits to our current account. Therefore, they must separate the account registered for community solar only from Collective Bargaining.

Bonnie Butler-

Committeeperson Butler was put in contact through Alan Hunt of the Musconetcong Watershed Association to the Natural Resources Conservation Services as to damages on Shurts Road from Hurricane IDA. There will be a meeting on-site this Wednesday to look over the damage on the edge of the road and the failing guiderail in hopes there is Grant money available. Looking into available software so we can update our website instead of outsourcing.

Free Rabies Clinic will be held this Saturday with Washington Township, November 6th from 10:00 am – 12:00 pm at Washington Parks and Recreation Building.

Mike Ferri, Mayor –

Mayor had nothing further to report.

At this time, the floor was open to Public Session at approximately 7:50 pm

OPEN PUBLIC SESSION

Ron Sigler – Ultralights taking off from 8 Wolverton Road is creating problems for homeowners and farm animals and needs to be addressed. This was heard at a Land Use Board meeting via ZOOM and there were technical difficulties, and a vote shouldn't have happened to approve this activity. Attorney Benbrook will send a letter on behalf of the township committee addressing this problem with the Division of Aeronautics.

Close the floor to Public Session at 8:05 pm

EXECUTIVE SESSION

BE IT RESOLVED, on this 1st day of November, 2021, 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

Contracts- Professionals Personnel - Shared Services

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 1st, day of November 2021 by the Franklin Township Committee, that the matter stated will be discussed in executive session, said session to commence at 8:05 pm.

On Motion by Bonnie Butler and seconded by Mike Ferri to exit to executive session at 8:05 p.m. Unanimous Vote.

On motion by Rich Herzer and seconded Bonnie Butler to return to the regular session at 9:00 p.m. Unanimous Vote.

On motion by Bonnie Butler and seconded by Rich Herzer, to approve Professional Services Contract from Nisivoccia for Municipal Auditor in 2022.

Roll Call:	Yes	No	Absent/Abstained	
Bonnie Butler	X			
Rich Herzer	X			
Michael Toretta	X			
Mike Ferri, Mayor	X			
		(4)	Yes (0) No (0) Absent	Motion carried

MOTION FOR PAYMENT OF BILL LIST:

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

Roll Call:	Yes	No	Absent/Abstained	
Bonnie Butler	X			
Rich Herzer	X			
Michael Toretta	X			
Mike Ferri, Mayor	X			
		(4)	Yes (0) No (0) Absent	Motion carried

MOTION FOR ADJOURNMENT:

On motion by Mike Toretta and seconded by Bonnie Butler, hearing no objection, meeting stands adjourned at 9:02 pm.

Roll Call:	Yes	No	Absent	Abstained	
Bonnie Butler	X				
Rich Herzer	X				
Michael Toretta	X				
Mike Ferri, Mayor	X				
		(4)	Yes (0) No (0) Absent		Motion carried

Respectfully submitted,

Denise L. Becton, RMC/CMR
Municipal Clerk