

REGULAR MONTHLY MEETING

*****NOT OFFICIAL SUBJECT TO REVISION*****

The Franklin Township Committee held their regular monthly meeting on Monday, December 4, 2023, at the hour of approximately 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 Municipal Clerk.

Following the flag salute, **Roll Call of Committeepersons present:** Bonnie Butler, Mike Ferri, David Guth, Richard Herzer, Mike Toretta, Mayor (5)Yes

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

CONSENT AGENDA:

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

2. APPROVAL

- a. Meeting Minutes RE: November 6, 2023
- b. Executive Session Minutes RE: November 6, 2023
- c. Interlocal Agreement RE: WC Pollution Control Financing Authority-2024

3. RESOLUTIONS

- b. Resolution 2023-68 RE: Authorizing an Electronic Tax Sales
- c. Resolution 2023-69 RE: Authorizing an Electronic Tax Sales Fee
- d. Resolution 2023-70 RE: December Transfers
- e. Resolution 2023-71 RE: Annual PIG Application to State Agriculture Development Committee's Municipal Planning Incentive Grant Program

On motion by Committeepersons Mike Ferri and seconded by Rich Herzer the above Consent Agenda items were approved.

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

START*****

NEW BUSINESS

PRESENTATION - Thomas Caleca, Warren County Aging Services

Mr. Caleca presented this evening their mission is to continually advise and assist the WC Division of Aging and Disability Services, on matters relating to special needs of the Older Americans in Warren County, support programs, activities, promote programs, information, services to and on behalf of Older Americans of Warren County. informing us of all the services available geared to support older adults, adults with physical disabilities and their caregivers at home. Services include, to name a few; Community Senior Centers, nutrition education, meals, in-home clinical assessments, Medicare counseling, transportation, Veterans directed home and community-based services. Committeeperson Herzer offered the use of our Community Center to coordinate any activities with Eddy Patient.

OLD BUSINESS

PUBLIC HEARING:

TOWNSHIP OF FRANKLIN
WARREN COUNTY, NEW JERSEY
ORDINANCE NO. 2023-8

AN ORDINANCE ESTABLISHING NEW ARTICLES II THROUGH XI TO CHAPTER 119 OF THE CODE OF THE TOWNSHIP OF FRANKLIN ENTITLED, "STORMWATER ORDINANCES"

Motion to open the public hearing – on motion by Committeepersons Bonnie Butler seconded by Mike Ferri. All in favor.

Public Comments – no comments

On motion to close/adopt the public hearing – on motion by Committeepersons Bonnie Butler and seconded by Mike Ferri. All in favor.

Motion to adopt **Ordinance 2023-8** by Committeepersons Bonnie Butler and seconded by Mike Ferri the aforementioned **Ordinance 2023-8** be adopted/amended to omit Article VI Yard Waste as read.

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

PUBLIC HEARING:

ORDINANCE 2023-9

AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN TO ESTABLISH A NEW CHAPTER 106 OF THE CODE OF THE TOWNSHIP OF FRANKLIN ENTITLED "PENALTIES AND FINES"

Motion to open the public hearing – on motion by Committeepersons Mike Ferri seconded by David Guth. All in favor.

Public Comments – no comments

On motion to close/adopt the public hearing – on motion by Committeepersons Rich Herzer and seconded by Mike Ferri. All in favor.

Motion to adopt **Ordinance 2023-9** by Committeepersons Rich Herzer and seconded by Mike Ferri the aforementioned **Ordinance 2023-9** be adopted as read.

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

PUBLIC HEARING:

**ORDINANCE NO. 2023-10
FRANKLIN TOWNSHIP
WARREN COUNTY, NEW JERSEY**

AN ORDINANCE TO AUTHORIZE THE SALE OF REAL PROPERTY TO CONTIGUOUS PROEPRTY OWNERS

Motion to open the public hearing – on motion by Committeepersons David Guth seconded by Mike Ferri. All in favor.

Public Comments – Attorney informed that this ordinance is very specific to the blocks/lots the township foreclosed on only affected by this ordinance.

On motion to close/adopt the public hearing – on motion by Committeepersons Bonnie Butler and seconded by David Guth. All in favor.

Motion to adopt **Ordinance 2023-10** by Committeepersons Bonnie Butler and seconded by David Guth the aforementioned **Ordinance 2023-10** be adopted as read.

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

REPORTS/UPDATES *engineer report competed*******

Engineer Report – Engineer Finelli informed that Common Sense for Animals is moving forward with there new veterinary hospital and will need township approval for the septic in the near future.

On motion by Committeepersons Bonnie Butler and seconded by Mike Ferri to authorize the mayor to sign the application upon Engineer Finelli’s approval.

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

The Millbrook Road DOT Grant is moving forward, overlay to pipe crossings, looking to potentially go out to bid next month. As to the Millbrook Road July storm damages and FEMA there are two primary sections that need repairing. The upper section will be first leaving the more extensive repair second where the road is collapsed/unpassable. Looking to split the job and approval from the NRCS. The USDA funding came in Friday per Deputy OEM Guth unknown of the amount.

The Dioxane Project, after speaking with NJAW went through hydraulics and shipped to construction where it remains at this time.

Attorney Report – Attorney Benbrook had a discussion with Jeff Fiedler as to the auction of the foreclosed properties. We received the proposal of amounts that each property will be listed for and moving forward. We do have a title policy, that we own now, on the 40-acre policy donated to the township, a one-year hunting lease, worth \$1,900 and received a \$2.00 refund. We can sell or auction this property as well, whichever we are most comfortable with. Committeeperson Butler inquired if this piece has solar potential. The attorney will reach out to Mark Bellin to discuss further. After speaking with the County Administrator, he will review the sketch of the 3-way stop to slow traffic down in the School Street area and get back to him.

Open Space – No one in attendance.

Zoning Report – Submitted and on file – A summons was filed on a property on Old Main Street, since then the property has been sold and an eviction process on November 15th for the property and get it cleaned up. Also visiting areas with leaves in the roadway as to our newly adopted ordinance. Possible solution as to where to dispose of leaves per Deputy Guth.

FIRE – Chief Brown not in attendance.

EMS – Captain Chiu advised that Whites Road had to be used for an emergency, Millbrook Road will be nice once the road is accessible.

OEM – Report submitted and on file - On-site FEMA visits were done Friday with DPW Foreman Biel, concentrating on roads not completed taking detailed measurements, photos, etc. The next step is to place it in project settings. Once a project is completed and paid for, we can submit it for reimbursement. Millbrook Road we still need a design for FEMA to review/approve. FEMA and

USDA go hand in hand with the Watershed. Millbrook Road has three areas for stabilization North, South, and a little bit farther South with wash out destruction big issue for future stuff. The Concrete wall and stabilization will need FEMA/USDA. We need to decide as a municipality for funding and sponsoring where our 25% is going with USDA and FEMA overlap especially for further mitigation. Need a breakdown of what we are doing and improving or changing and know how exactly it was prior to the flood. Engineer said we have work to do, there is not a deadline just the completion of the entire project which is 18 months from the declaration. We can ask for an extension but that is not guaranteed. Engineer, OEM and Deputy OEM will have further discussions.

DPW – report submitted – There is a farmer down the street happy to take our leaves for our residents to dispose of. Drop off at the DPW, when gate is open, during the weekday removing the leaves from the bag, and then can be transported to the field by our public works.

Recycling – no report submitted.

FTYA – No representative

Committee Reports:

Bonnie Butler – Shout out to Cam Keng in two days fixed a health benefits problem. Walking hours for the seniors in the community center and get the word out can be coordinated with Eddy Patient.

Rich Herzer –Nothing further to report.

David Guth – Nothing further to report

Mike Ferri – Nothing further to report.

Michael Toretta – Nothing further to report.

Open Public Session:

At approximately 7:50 p.m. Mayor Toretta opened the floor to the Public. Unanimous vote.

Tom Bianco directed a question to Engineer Finelli and the designation of Audrey Lane and roads in the area of, private vs. public. Attorney Benbrook informed Audrey Lane is on record as a public street and all other roads are private. No other changes to street designations will be made.

What is the timeframe for Millbrook Road as to improvements/change? Once repair has been completed, it will be newly improved and reconstructed roadway per Engineer Finelli. This project must go out to public bid once bids are in, construction can start in late spring and built in the summer. Money has been appropriated by Bond Ordinance.

Wayne Ferguson is finding a problem with an oil truck to deliver to his home. Only accessible from the northside by a pickup truck due to a tight turn, not even an ambulance, firetruck, or UPS truck. Temporarily opening the road to allow an oil truck in to deliver oil would not be a safe thing to do. OEM and Deputy will look into this a little more.

Karen Chiu is curious as to the progress where the holiday tree will be planted, this has been marked where it will be planted. Karen spoke with Ben Oberly to order a tree and Committeeperson Butler is working on getting a tree from Tim Terry, whoever gets the tree first. December 1st is the Tree Lighting mayor to speak at this annual event. Senior luncheon for Thanksgiving would like to host at the firehouse, the PTA is not looking to do this in the future. It will not be a fundraiser for the fire department wants it catered and need sponsors. The school is still hosting a Veterans luncheon. Committeeperson Herzer thanked Karen for her support and what she does for the community.

Hearing no other public comments, the floor was closed at approximately 8:14 p.m.

At this time, the committee will commence into an Executive Session on motion by Committeeperson Bonnie Butler and seconded by Rich Herzer at 8:18 p.m.

EXECUTIVE SESSION

BE IT RESOLVED on this 6th day of November 2023, 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.

- Personnel – Policies and Procedures Manual and Employee Handbook**
- Personnel - CFO Resumes**
- Contract Negotiations- ACO Shared Services with White Township**
- Potential Litigation – Former Tigar Property**

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 6th day of November 2023 by the Franklin Township Committee, that the matter stated will be discussed in executive session, said session to commence at approximately 8:18 p.m.

On motion by Committeeperson Bonnie Butler and seconded by Rich Herzer to exit from executive session at 10:02 p.m. returning to regular session. Unanimous Vote.

On motion by Committeepersons Mike Ferri and seconded by Bonnie Butler a presentation by our OEM Coordinator and USDA projects on Millbrook Road, Site 1 bottom of the hill, boulders in the stream. Estimated in the amount of \$110,000, USDA is responsible for 75% reimbursement. Authorize the work to proceed on an emergency basis.

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

On motion by Committeepersons Bonnie Butler and seconded by Mike Ferri to authorize an hourly wage of \$40/hr. to the OEM/DOEM Coordinators for any declared FEMA emergency.

Roll Call Vote	Yes	No	Absent/Abstain
Bonnie Butler	X		
Rich Herzer	X		
David Guth			X
Mike Ferri	X		
Mike Toretta, Mayor	X	(4) Yes (0) No	(0) Absent (1) Abstained Motion carried

On motion by Committeepersons Rich Herzer and seconded by Mike Ferri to accept the resignation of Judith Curran as our CMFO, Certified Municipal Finance Officer. Unanimous Vote.

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

RESOLUTION NO. 2023-66

RESOLUTION TO HIRE A CERTIFIED FINANCIAL OFFICER

BE IT RESOLVED, that the Township of Franklin hereby authorizes the following effective immediately:

<u>Name</u>	<u>Position</u>	<u>Salary</u>	<u>Hours</u>
Margaret Pasqua	CFO	\$28,000.00 per annum \$70/hr. (back-log work) <i>Effective 11/7/2023-12/31/23</i> <i>(Unexpired term)</i>	TBD

On motion by Mike Ferri and seconded by Rich Herzer the aforementioned **Resolution 2023-66** be adopted as read.

Roll Call Vote	Yes	No	Absent/Abstained	
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

CERTIFICATION

It is hereby certified the Township Committee approved the hiring of a CFO on Monday, November 6th, 2023, and that this is a true and accurate copy of a Resolution adopted by the township committee of the Township of Franklin at a meeting held in the Municipal Building.

Witness my hand and the SEAL of the Township of Franklin.

Denise L. Becton

Denise L. Becton, Municipal

On motion by Bonnie Butler and seconded by Rich Herzer to authorize the Lender to redeem the Tigar property previously foreclosed upon.

Roll Call Vote	Yes	No	Absent/Abstained	
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

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

RESOLUTION NO. 2023-65

Resolution Adopting Personnel Policies and Procedures Manual

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 attached hereto are 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 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 the Personnel Policies and Procedures Manual.

The within **Resolution 2023-65** was moved with amendments went over by Committeeperson Bonnie Butler in Executive Session first by Committeeperson Rich Herzer and seconded by Committeeperson Mike Ferri dated November, 2023, and upon roll call vote was passed.

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

Dated: November 6, 2023

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 6, 2023.

Denise L. Becton

Denise L. Becton, Township Clerk

On motion by Committeepersons Bonnie Butler and seconded by Mike Ferri to approve the bills to be paid per CFO’s bill list submitted for 11-06-2023.

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

On motion by Committeeperson Mike Ferri and seconded by Bonnie Butler, hearing no objection, meeting stands adjourned at 10:09 p.m.

Respectfully submitted,

Denise L. Becton

Denise L. Becton, RMC/CMR

