

REGULAR MONTHLY MEETING

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)

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

NEW BUSINESS

Public Auction for the harvest of Franklin Township farmland, leases of three parcels for Block 16 Lot 21, Block 16 Lot 9.02, Block 26 Lots 3/8

Attorney Benbrook informed that this will be a verbal bidding in \$5 increments, \$100/acre minimum, 5-year lease. At this time the attorney opened the floor to start the bidding.

Block 16 Lot 21 – The attorney opened the bidding at \$100/acre, Sam Santini offered \$150/acre, anyone else, hearing no other bids from the public, bidding closed.

On motion by Committeepersons David Guth and seconded by Bonnie Butler congratulations Sam Santini at \$150/acre to harvest Block 16 Lot 21 with a lease contract beginning 2024-2028.

Roll Call Vote	Yes	No	Absent/Abstained
Bonnie Butler	X		
David Guth	X		
Rich Herzer			X
Michael Ferri			X
Mike Toretta, Mayor	X	(3)Yes (0) No (2) Abstained	Motion carried

Block 16 Lot 9.02 – The attorney opened the bidding at \$100/acre, Roger Woolf offered \$150/acre, anyone else, hearing no other bids from the public, bidding closed.

On motion by Committeepersons David Guth and seconded by Rich Herzer congratulations Roger Woolf at \$150/acre to harvest Block 16 Lot 9.02 with a lease contract beginning 2024-2028.

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) Abstained	Motion carried

Block 26 Lots 3 & 8 – The attorney opened the bidding at \$150/acre, Scott Truskowski offered \$150/acre, anyone else, hearing no other bids from the public, bidding closed.

On motion by Committeepersons David Guth and seconded by Mike Ferri congratulations Scott Truskowski at \$150/acre to harvest Block 26 Lots 3 & 8 with a lease contract beginning 2024-2028.

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) Abstained	Motion carried

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

Introduction/Adoption of Resolutions 2023-68 – 71

RESOLUTION 2023-68

WHEREAS, NJSA 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Government Services, and

WHEREAS, the Director of the Division of Local Government Services has approved NJ Tax Lien Investors/RealAuction.com to conduct electronic tax sales, and

WHEREAS, an electronic tax sale is innovative and provides a greater pool of potential lien buyers, thus creating the environment for a more complete tax sale process, and

WHEREAS, the municipality of Franklin Township, County of Warren, wishes to participate in an electronic tax sale.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the municipality of Franklin Township, County of Warren, New Jersey, that the Tax Collector is hereby authorized to participate in an electronic tax sale and submit same to the Director of the Division of Local Government Services if necessary.

The within **Resolution 2023-68** was moved by Committeeperson Mike Ferri and seconded by Committeeperson Rich Herzer 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

RESOLUTION NO. 2023-69

TOWNSHIP OF FRANKLIN

COUNTY OF WARREN

STATE OF NEW JERSEY

WHEREAS, NJSA 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Local Government Services, and

WHEREAS, the rules and regulations require a municipality to send two (2) notices of tax sale to all properties included in said sale; and

WHEREAS, the rules and regulations allow said municipality to charge a fee of \$25.00 per notice for the creation, printing and mailing of said notice; and

WHEREAS, in an effort to more fairly assign greater fiscal responsibility to delinquent taxpayers, the Township of Franklin, County of Warren, wishes to charge \$25.00 per notice mailed which will be assessed specifically to the delinquent accounts that are causing the need for a tax sale and not to the general tax base.

BE IT RESOLVED by the governing body of Franklin Township, County of Warren, that a fee of \$25.00 per notice be established and is hereby authorized and directed to be charged for each notice of tax sale that is sent in conjunction with the 2023 electronic tax sale.

Bonnie Butler, Committee Member

Mike Toretta, Mayor

The within **Resolution 2023-69** was moved by Committeeperson Mike Ferri and seconded by Committeeperson Rich Herzer 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

**RESOLUTION 2023-70
TRANSFER RESOLUTION**

BE IT RESOLVED by the Township Committee of the Township of Franklin, County of Warren, State of New Jersey, that there are insufficient funds to meet the demands necessary for the 2023 balances in the Current Fund Budget. Includes General Administration O/E, Financial Administration O/E, Engineering Services O/E, Buildings & Grounds O/E, and Other Insurance O/E.

WHEREAS, the following accounts have sufficient excess funds to meet such demands: Historical Site Office O/E, Gasoline O/E, Road Maintenance S/W, and Road Maintenance O/E.

BE IT RESOLVED, that in accordance with the provisions of R.S. 40A:4-58 the Chief Financial Officer is hereby authorized to make the following transfers:

TO:	General Administration O/E	15,000.00
	Financial Administration O/E	8,000.00
	Engineering Services O/E	6,000.00
	Buildings & Grounds O/E	30,000.00
	Other Insurance O/E	<u>2,000.00</u>
		\$61,000.00

FROM:	Gasoline O/E	4,000.00
	Historical Site Office O/E	2,000.00
	Road Maintenance S/W	5,000.00
	Road Maintenance O/E	<u>50,000.00</u>
		\$61,000.00

On motion by Mike Ferri and seconded by Rich Herzer the aforementioned **Resolution 2023-70** be adopted as read.

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

RESOLUTION #2023-71

A RESOLUTION AUTHORIZING FRANKLIN TOWNSHIP’S ANNUAL APPLICATION RENEWAL TO THE STATE AGRICULTURE DEVELOPMENT COMMITTEE’S MUNICIPAL PLANNING INCENTIVE GRANT PROGRAM

WHEREAS, the Committee of the Township of Franklin has developed a comprehensive Farmland Preservation Plan for the Township, which identifies land meeting the criteria for farmland preservation in accordance with the requirements of the State and County’s farmland preservation programs; and

WHEREAS, the pressures from development continue to pose the threat of imminent change of land use from productive agriculture to nonagricultural uses; and

WHEREAS, the State Agricultural Development Committee (SADC) has funding available to assist the Township in acquiring farmland preservation easements, in partnership with the County of Warren via the Municipal Planning Incentive Grant program (Muni-PIG); and

WHEREAS, farmland preservation encourages the survivability of agricultural production, the rural character of the Township and the Township’s agrarian history; and

WHEREAS, the Township Committee has determined that it is in the best interests of the Township of Franklin to maintain a robust farmland preservation program, to continue to access funds from the SADC’s Muni-PIG program, and any other programs that offer funding for farmland preservation, and to acquire as many farmland preservation easements from eligible farms, in partnership with the SADC and the County of Warren, as possible; and

WHEREAS, Franklin Township’s Farmland Preservation Committee recommends that the Township continue to participate in the SADC’s Muni-PIG program; and

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Franklin, County of Warren, State of New Jersey that it hereby authorizes ongoing participation in the SADC’s Municipal Planning Incentive Grant program, as follows:

- 1) The Township approves of the Muni-PIG renewal letter and authorizes the Farmland Preservation Committee and its consultant to submit the renewal application to SADC in advance of the deadline and to continue to work with farmland owners in the Township to develop applications to the program.

BE IT FURTHER RESOLVED by the Township Committee of the Township of Franklin that it hereby authorizes the Municipal Clerk, the Farmland Preservation Committee and The Land Conservancy of New Jersey to sign documents and take all action necessary and appropriate to effectuate the intent and purpose of this resolution.

On motion by Mike Ferri and seconded by Rich Herzer the aforementioned **Resolution 2023-71** be adopted as read.

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

OLD BUSINESS

Personnel Employee Handbook – a discussion ensued as to additional changes that need to be made prior to the adoption. Committeeperson Butler informed that one change needs to be made in the Policy/Procedure Manual that was adopted last month on page 103 under Educational Assistance and Training Policy should read the mayor and township committee to be sole judge whether a particular course/program is directly related to the employee’s work. Changes in the Personnel Employee Handbook as follows: Page 26 & 27, Required work hours 7 am – 3 pm remove ½ hr. unpaid lunch. Summer Hours 6 am – 2 pm in June, July, August. Page 28, clothing allowance annually \$300/pants, \$200/hi-visibility clothing and \$200 work boots. The maintenance agreement with Cintas for laundering of DPW clothes cancel effective 1/1/24.

Introduction/Adoption of:

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

RESOLUTION NO. 2023-67

Resolution Adopting Personnel Employee Handbook

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 Employee Handbook attached hereto is hereby adopted.

BE IT FURTHER RESOLVED that the Personnel Employee Handbook 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 Personnel Employee Handbook.

The within **Resolution 2023-67** was moved by Committeeperson Bonnie Butler and seconded by Committeeperson Mike Ferri 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

REPORTS/UPDATES

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, a confirmation/receipt of payment from the railroad proceeding with review. Spoke to NJAW went through hydraulics and shipped to construction where it remains at this time.

Attorney Report – Attorney Benbrook informed that the Hunting Lease for the donated property on Rt. 57. A copy of the Deed was sent to Mark Bellin in hopes of placing solar on this parcel. Fiedler Real Estate continues to receive offers on properties for sale. If an adjoining property owner is interested, we can go right to the contract. The Flood Plain Management Ordinance is aggressive with procedures in construction permits when applying for a flood plain permit. The Tigar property continues to be a problem and needs to be rectified soon.

Open Space – No one in attendance.

Zoning Report – Submitted and on file – Mr. Onembo would like to amend the procedure with our foreclosed properties to place a lien on the property to collect the fees per our ordinance once the property is finally sold.

FIRE – Chief Brown not in attendance.

EMS – Captain Chiu advised they are in a slow period. Station 4 renovation due to flood waters hoping to be moved back in January.

OEM – Report submitted and on file – Deputy Guth informed the 2024 EMAA Grant of \$10,000 has been received.

Recycling – no report submitted.

FTYA – No representative

DPW – Report on file – nothing further to address.

Committee Reports:

Bonnie Butler – Have we received our reimbursement for the Farmland Plan? The clerk will check with The Land Conservancy and Highlands Council. Purchase of a generator with the EMAA grant money and DPW funds for the road garage. Thank you to our DPW for the planting of the holiday tree. The Historical Commission is looking to relocate their time capsule/monument and maybe plant a couple of shrubs, as well as install a flagpole.

Rich Herzer –Nothing further to report.

David Guth – Nothing further to report

Mike Ferri – Nothing further to report.

Michael Toretta – In speaking with our Tax Assessor he is looking to change his day in the office, possibly Monday or Tuesday morning. There is very little walk-in traffic and would be glad to schedule an appointment to meet with a resident if so requested.

Open Public Session:

At approximately 7:59 p.m. Mayor Toretta opened the floor to the Public. Unanimous vote.

Karen Chiu informed the Holiday Tree Lighting was canceled and will be rescheduled due to rain.

Tom Vasko informed us of a washout on the side of Millbrook Road near the storm damaged area and if barriers will be placed or filled in prior to winter. Inquired of a timeline when to expect the road to be passable.

Dave Leary needed clarification/update as to the Dioxane Water Project, engineer informed.

Hearing no other public comments, the floor was closed at approximately 8:10 p.m.

Committeeman Herzer asked if there is a limitation as to Group Homes in our municipality. As per Attorney Benbrook we cannot limit.

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 12-04-2023.

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 Bonnie Butler and seconded by Mike Ferri, hearing no objection, meeting stands adjourned at 8:19 p.m.

Respectfully submitted,

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