

**REGULAR MEETING**

The Franklin Township Committee held its regular monthly meeting, on Monday, August 9, 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, Jim Onembo, Zoning/Code Enforcement Officer, Kevin Benbrook, Municipal Attorney, Mike Finelli, Municipal Engineer, Kathleen Reinalda, CFO, Joe Biel DPW.

**CONSENT AGENDA:**

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

**2. APPROVAL**

a. Meeting Minutes **RE: July 12, 2021**

**3. RESOLUTIONS – FIRST READING/ADOPTION**

- a. Res. 2021-53 **RE: Tax Refund Block 7 Lot 17.08, Tax Sale Cert#2020-002**
- b. Res. 2021-54 **RE: LUB Appointments**
- c. Res. 2021-55 **RE: NJDOT Willow Grove Road Resurfacing Project**
- d. Res. 2021-56 **RE: NJDOT Millbrook Road Section 2 Resurfacing Project**
- e. Res. 2021-57 **RE: A Resolution authorizing payment in lieu of Medical Benefits for Year Aug. 1, 2020-July 31, 2021**

The approval of the July 12, 2021 meeting minutes, on motion by Committeeperson Rich Herzer and seconded by Committeeperson Mike Toretta.

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

The approval of Resolution 2021-53 - 57, on motion by Committeeperson Rich Herzer and seconded by Committeeperson Mike Toretta. Committeeperson Butler voted NO to Res. 2021-57 Only.

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

**RESOLUTION 2021-53**

**WHEREAS**, Bala Partners LLC holds Tax Sale Certificate #2020-002 on Block 7 Lot 17.08 and,

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

**NOW, THEREEORE, BE IT RESOLVED**, that the Mayor and Committee authorize the Tax Collector to refund the Tax Lien amount of \$ 14,012.60 plus the Tax Sale Premium amount of \$19,000.00 for a total of \$33,012.60 to Bala Partners LLC, POB 303, Potterville, NJ 07979.



**Franklin Township, Warren County  
RESOLUTION 2021-55**

**Approval to submit a Grant application and execute a grant contract with the New Jersey Department of Transportation for the Willow Grove Road Resurfacing project.**

**WHEREAS**, Franklin Township, Warren County, New Jersey has given Finelli Consulting Engineers the approval to submit this grant on the behalf of the Township of Franklin,

**NOW, THEREFORE, BE IT RESOLVED** that Committee of the Township of Franklin formally approves the grant application for the above stated project,

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as **LA-2022-00020-MA-Franklin Township (Warren) Willow Grove Road Resurfacing-21** to the New Jersey Department of Transportation on behalf of the Township of Franklin.

**BE IT FURTHER RESOLVED** that Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Franklin and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Certified as a true copy of the Resolution adopted by the Council  
On this 9th day of August, 2021

\_\_\_\_\_  
Denise L. Becton, Municipal Clerk

My signature and the Clerk’s seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

ATTEST and AFFIX SEAL \_\_\_\_\_  
(Clerk) (Presiding Officer)

On motion by Rich Herzer and seconded by Mike Toretta the aforesaid **Resolution 2021-55** be adopted as read.

<b>Roll Call Vote</b>	<b>Yes</b>	<b>No</b>	<b>Absent/Abstained</b>
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 August 9, 2021.

\_\_\_\_\_  
Denise L. Becton RMC/CMR

**Franklin Township, Warren County  
RESOLUTION 2021-56**

**Approval to submit a Grant application and execute a grant contract with the New Jersey Department of Transportation for the Millbrook Road Resurfacing, Section 2 project.**

**WHEREAS**, Franklin Township, Warren County, New Jersey has given Finelli Consulting Engineers the approval to submit this grant on the behalf of the Township of Franklin,

**NOW, THEREFORE, BE IT RESOLVED** that Committee of the Township of Franklin formally approves the grant application for the above stated project,

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as **LA-2022 MA-00019 Franklin Township (Warren)-Millbrook Road Resurfacing, Section 2-21** to the New Jersey Department of Transportation on behalf of the Township of Franklin.

**BE IT FURTHER RESOLVED** that Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Franklin and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Certified as a true copy of the Resolution adopted by the Council  
On this 9th day of August, 2021

\_\_\_\_\_  
Denise L. Becton, Municipal Clerk

My signature and the Clerk’s seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

ATTEST and AFFIX SEAL \_\_\_\_\_  
(Clerk) (Presiding Officer)

On motion by Rich Herzer and seconded by Mike Toretta the aforesaid **Resolution 2021-56** be adopted as read.

<b>Roll Call Vote</b>	<b>Yes</b>	<b>No</b>	<b>Absent/Abstained</b>
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 August 9, 2021.

\_\_\_\_\_  
Denise L. Becton RMC/CMR

**Franklin Township  
Warren County, State of New Jersey  
Resolution 2021-57**

**A Resolution Authorizing Payment In Lieu of Medical Benefits for Year  
August 1, 2020 – July 31, 2021**

**WHEREAS**, Franklin Township fulltime regular employees received medical and health benefits through the Oxford Health Benefits Plan;

**WHEREAS**, Franklin Township employees contribute partially towards payment of their benefits and the majority of benefits are paid by Franklin Township;

**WHEREAS**, Denise L. Becton, has waived the benefit package since August 1, 2014 due to spouse providing same benefits;

**WHEREAS**, Denise L. Becton, Municipal Clerk has requested to be compensated for such benefits in the amount of **\$2923.23** for August 1, 2020-July 31, 2021 benefit period;

**WHEREAS**, the Township Committee approves this request and recommends it be paid during the 3rd quarter of 2021 for this benefit period and the request should continue to be made on a yearly basis for consideration if still desired.

**NOW, THEREFORE BE IT RESOLVED**, Franklin Township Committee grants the **\$2923.23** payment in lieu of health benefits to Denise L. Becton.

On motion by Rich Herzer and seconded by Mike Toretta the aforementioned **Resolution 2021-57** be adopted as read and the CFO is directed to confirm the formula used verifying the refund amount accordingly.

<b>Roll Call Vote</b>	<b>Yes</b>	<b>No</b>	<b>Absent/Abstained</b>
Bonnie Butler		X	
Rich Herzer	X		
Michael Toretta	X		
Mayor Mike Ferri	X		
			(3) Yes (1) 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 August 9, 2021.

\_\_\_\_\_  
Denise L. Becton  
Municipal Clerk

**NEW BUSINESS**

**Discussions/Updates/Approvals**

**Film Shoot – Good Springs and Asbury Broadway Road**

Anita Bajpay presenting this evening from AT Films Production, providing a synopsis of the film and the roads to be used on August 17<sup>th</sup>. The scenes to this film will be quick and no need to close any roads, however, Attorney Benbrook would prefer traffic control either by the NJSP or a private company. Per our Ordinance 2009-11 a fee of \$1,000 is required and evidence of liability insurance.

On motion by Bonnie Butler and seconded by Mike Ferri, contingent upon the review/approval of Attorney Benbrook, receiving written plans, time of event and a Certificate of Insurance and confirmation of traffic control, to approve this film event.

<b>Roll Call Vote</b>	<b>Yes</b>	<b>No</b>	<b>Absent/Abstained</b>
Bonnie Butler	X		
Rich Herzer	X		
Michael Toretta	X		
Mayor Mike Ferri	X		
			(3) Yes (1) No (0) Absent Motion Carried

**ORDINANCE 2021-8 - FIRST READING/INTRODUCTION**

**FRANKLIN TOWNSHIP  
WARREN COUNTY, STATE OF NEW JERSEY  
Ordinance 2021-8**

**AN ORDINANCE APPROPRIATING THE SUM OF \$40,000.00 FROM THE CAPITAL IMPROVEMENT FUND OF THE GENERAL CAPITAL ACCOUNT IN CONNECTION WITH THE COSTS ATTRIBUTABLE TO THE MONTANA ROAD GABION RETAINING WALL IMPROVEMENT PROJECT**

WHEREAS, the Committee of the Township of Franklin, County of Warren, State of New Jersey, has determined that it needs to appropriate a sum of \$40,000.00 from the Capital Improvement Fund – General Capital Account in conjunction with the Montana Road Gabion Retaining Wall Improvement Project; and

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

1. There are funds available in the Capital Improvement Fund of the General Capital Account in the Municipal Budget of the Township of Franklin for costs attributable to the project.
2. There is hereby appropriated the sum of up to \$40,000.00 from the Capital Improvement Fund of the General Capital Account in the Municipal Budget of the Township of Franklin for the aforementioned purpose.
3. There is no debt authorized by this Ordinance.
4. This Ordinance shall take effect upon passage following a public hearing to be conducted thereon and publication of notice of final passage with the requirements of law.

**PUBLIC NOTICE**

Notice is hereby given that the aforesaid ordinance was introduced at a regular, advertised electronic meeting of the Township Committee of the Township of Franklin, New Jersey, held on August 9, 2021 and at a regular, advertised electronic meeting of the same to be held on September 13, 2021, at the hour of 7:00 p.m., the said Township Committee will consider the final passage of said ordinance.

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

On motion by Committeeperson Bonnie Butler and seconded by Committeeperson Mike Toretta the aforementioned **Ordinance 2021-8** be adopted at first reading. Final reading and adoption to take place on **September 13, 2021 at 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		
Michael Toretta	X		
Mike Ferri, Mayor	X	(4) Yes	(0) No (0) Absent Motion carried

On motion by Committeeperson \_\_\_\_\_ and seconded  
 by Committeeperson \_\_\_\_\_ the aforementioned Ordinance 2021-8 be adopted at final reading.

<b>Roll Call Vote</b>	<b>Yes</b>	<b>No</b>	<b>Absent/Abstain</b>	
Bonnie Butler				
Rich Herzer				
Michael Toretta				
Mike Ferri, Mayor			( ) Yes (0) No ( ) 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 August 9, 2021. Second reading, public hearing will be held on September 13, 2021 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/UPDATES/APPROVALS cont.**

**Clean Community Funding – Musconetcong Watershed Association, clean up along the River and MWA Resource Center**

The MWA submitted for Clean Community Funding stemming from an organized clean-up on Saturday, April 17<sup>th</sup>. 1.5 miles along the MWA River Resource Center and 2 miles along Bloomsbury Road.

On motion by Committeeperson Mike Toretta and seconded by Committeeperson Rich Herzer to approve a \$500 contribution to the MWA.

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

**Community Solar Project – Execution/Approval of Contracts**

We need authorization for execution by the mayor to enroll the DPW building to start receiving clean energy savings. Sunwealth provided the NJ Community Solar Bill Credit Purchase and Sale Agreement as well as a Solar Disclosure Form that needs to be signed. They are standard consumer protection documents for Community Solar Subscribers in New Jersey.

On motion by Committeeperson Mike Toretta and seconded by Committeeperson Rich Herzer to execute said documents on behalf of the township.

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

**Main Street Asbury, Proposed Layout –**

A discussion ensued as to a proposed layout submitted by Basil Imbimbo, looking for a courtesy letter of support from the township committee to be sent to the Warren County Engineer’s Department. Numerous residents were present this evening offering their ideas on how to slow traffic on Main Street, signage, and crosswalks as well as a traffic study. Engineer Finelli and Attorney Benbrook will work together to incorporate a letter to be sent to the WC Engineer’s Department proposing crosswalks, for pedestrian traffic and a 3-way stop near School Street for traffic and follow up with the WC Commissioners.

**REPORTS/UPDATES:**

**Engineer Report –** No formal report submitted. The 2022 DOT Grant Application have been submitted. Working on Millbrook Road.

**Attorney Report – Report on file –** All searches have been ordered for the tax foreclosure complaints.

**Jim Onembo – Code Enforcement/Zoning**

Mr. Onembo updated the committee as to various Zoning matters. The owner of 170 Bloomsbury Road was issued a “Cease and Desist” notification to discontinue commercial activities, weddings performed and advertised on this property. They will have to apply to the Land Use Board if they wish to continue such activities or go to court. The owner of 105 Good Springs Road, depression basin matter, mayor is still receiving complaints. Attorney Benbrook will draft a letter to the homeowner advising of cost to repair and a timeframe for completion, if not we will have to rectify in court.

**Recycling – Report submitted and on file**

**Office of Emergency Management - Denise Becton, DOEM**

Mayor spoke to OEM Read and advised grants submitted for generator for Municipal and DPW Garage.

**Fire Department/EMS – Chief Jan Verkade – not present**

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

**DPW REPORT – No Report submitted – Joe Biel**

The brush pile is ¾ of the way cleaned up. Completing roadside mowing.

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

**Open Space Commission –** Committeeman Herzer advised there was no meeting.

**Musconetcong River Management Council – MRMC – Beth Barry**

Nothing to report

**NJSP- no representation present**



## **Township Committee Reports:**

### **Rich Herzer –**

Committeeman Herzer inquired as to any updates to solicit solar on the township's property on Beidleman Road. Attorney Benbrook with follow up on this. Purchase of a gate to the brush pile area should be investigated keeping entry when the DPW is closed will hopefully limit unwanted debris. The Township's Green Acres field in New Village, neighbors inquiring if they could use this for parties. Attorney informed if we were to do this, it would require approval of the township committee, the nature of use, and a proof of a Certificate of Insurance.

### **Mike Toretta –**

Committeeman Toretta inquired what the COVID-19 funds could be used for. CFO Reinalda informed that this is very restrictive what we can and can't use for, Fire/Ems/Broadband.

### **Bonnie Butler-**

Committeeperson Butler will provide Attorney Benbrook with sample Chicken Ordinances for his review. Also, we should review the Employees Policy and Procedure Manual as to a new hire and the waiting period of 90 days to be enrolled in our Health/Dental Insurances.

### **Mike Ferri, Mayor –**

Mayor Ferri had nothing further to report.

### **At this time, the floor was open to Public Session**

### **OPEN PUBLIC SESSION at 8:27 pm**

Dave Leary spoke on behalf of numerous residents present as to a water problem involving 1,4-Dioxane contamination. 17 Properties, to date, located on Herleman, Willow Grove & Good Springs Roads have been identified. The DEP supplies 1 gallon of water daily to each household. They cannot be connected to the water line, due to water-age issues and there are no treatment options for residential properties. One of the homes in the area sold for a fraction of its value, as the unfortunate purchaser was not able to obtain a mortgage without potable water. Committeeman Butler will address this matter with our State Assembly Members. Committee Herzer will be the liaison to the people.

Flo Kitner has a chicken problem involving her neighbor. Besides being located so close to her home they have attracted rats. Attorney Benbrook informed earlier he will be addressing our current Chicken Ordinance. Zoning Officer Onembo will also investigate this matter.

### **Close the floor to Public Session at 9:03 pm**

## **EXECUTIVE SESSION**

**BE IT RESOLVED**, on this 9th day of August, 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

### **Personnel – DPW Road Repairer I Position**

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 9th, day of August, 2021 by the Franklin Township Committee, that the matter stated will be discussed in executive session, said session to commence at 9:03 pm.

On Motion by Bonnie Butler and seconded by Mike Ferri to exit to executive session at 9:03 p.m. Unanimous Vote.

On motion by Bonnie Butler and seconded Mike Toretta to return to the regular session at 9:40 p.m. Unanimous Vote.

**MOTION FOR PAYMENT OF BILL LIST:**

On motion by Rich Herzer and seconded by Bonnie Butler, to pay, the Bills List as submitted by the CFO, accordingly.

<b>Roll Call:</b>	<b>Yes</b>	<b>No</b>	<b>Absent/Abstained</b>	
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 Mike Ferri, hearing no objection, meeting stands adjourned at 9:43 pm.

<b>Roll Call:</b>	<b>Yes</b>	<b>No</b>	<b>Absent</b>	<b>Abstained</b>	
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  
Municipal Clerk