

REGULAR MONTHLY MEETING

The Franklin Township Committee held their regular scheduled monthly meeting on Monday, December 9, 2024, at the hour of approximately 7:00 p.m. Mayor David Guth 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.

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

Present were: Mike Finelli, Municipal Engineer, Kevin Benbrook, Municipal Attorney (joined the meeting at 7:50 p.m.) John Mooney, Municipal Auditor, Jim Onembo, Zoning/ Code Enforcement, Joe Biel, DPW Foreman, Shawna Tabert, OEM, Denise L. Becton, Municipal Clerk

CONSENT AGENDA:

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

- | | | |
|----|-----------------------------|--|
| 2. | APPROVAL/ADOPTION of | |
| a. | Meeting Minutes | RE: Regular meeting of November 4, 2024 |
| b. | Posting of Sign | RE: Autistic Child/Beidleman Road |
| c. | Rescind Resolution 2024-74 | RE: Duplicate Resolution 2024-78 adopted on 11/4/24 |
| d. | Resolution 2024-79 | RE: CFO Capital Cancellations 2024 |
| e. | Resolution 2024-80 | RE: B1 L4, Cancellation of Remaining Taxes |
| f. | Resolution 2024-81 | RE: CFO December Transfers |
| g. | Resolution 2024-82 | RE: Fixed Assets Limit Threshold |
| h. | Resolution 2024-83 | RE: Support of amendment of the Fair Housing Act (FHA) as proposed by the NJ Institute of Local Government Attorneys (NJILGA) |
| i. | Resolution 2024-85 | RE: Annual Municipal (PIG) Planning Incentive Grant Application |
| j. | Approval/Execution of | RE: Space Farms Zoo/deer carcass removal from municipal right of ways |
| k. | Approval/Execution of | RE: WC Department of Human Services FY25 Municipal Alliance Contract |

On motion by Committeeperson Butler and seconded by Committeeperson Payne, the Consent Agenda was approved as listed above.

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

Motion carried

RESOLUTIONS

Introduction/Adoption of: Resolution #'s 2024-79, 2024-80, 2024-81, 2024-82, 2024-83, 2024-85

CANCELLATION RESOLUTION 2024-79

WHEREAS, certain improvement appropriation balances within General Capital Fund remain dedicated to projects now completed or not being pursued; and

WHEREAS, it is necessary to formally cancel balances so that unexpended balances may be returned to each prospective Capital Improvement Fund, or Surplus and unused debt authorization be canceled within the General Capital Fund.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Franklin that the following unexpended and dedicated balances be cancelled:

<u>Ordinance Number</u>	<u>Description</u>	<u>Amount</u>	<u>Funding Source</u>
2022-10	Imp to Shurts Rd	\$54,316.75	Def Charge Unfunded
2024-3	Millbrook Rd 2	\$5,549.40	Capital Improvement

BE IT FURTHER RESOLVED, that two certified copies of this resolution are to be filed with the Director of the Division of Local Government Services.

RESOLUTION NO. 2024-80

WHEREAS, the Township of Franklin, Warren County, NJ has authorized the sale of Block 1 Lot 4 also known as 2636 Rt. 57, and,

WHEREAS, Resolution 2024-33 authorized the sale of Block 1 Lot 4 known as 2636 Rt. 57, and,

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Committee authorize the Tax Collector to cancel the remaining taxes in the amount of \$4,420.39.

**RESOLUTION 2024-81
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 2024 balances in the Current Fund Budget. Includes General Administration O/E, Fire O/E, Road Maintenance S/W and Legal O/E.

WHEREAS, the following accounts have sufficient excess funds to meet such demands: Municipal Clerk S/W, Buildings & Grounds O/E 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	8,000.00
	Road Maintenance S/W	5,000.00
	Legal O/E	2,250.00
	Fire O/E	750.00
	Revenue Administrator S/W	<u>3,000.00</u>
		19,000.00
 FROM:		
	Buildings & Grounds O/E	2,500.00
	Municipal Clerk S/W	8,000.00
	Road Maintenance O/E	5,000.00
	Land Use Board O/E	<u>3,500.00</u>
		19,000.00

**Franklin Township
Resolution 2024-82
Resolution to increase Fixed Asset Limit Threshold as Defined in NJAC 5:30-5.6**

WHEREAS, the threshold for “non-expendable, tangible personal property” as defined in NJAS 5:30-5.6 “Accounting for Governmental Fixed Assets”, has been increased from \$1,000 to \$5,000 for both municipalities and counties effective January 1, 1997 and brings the threshold to a level comparative with the federal government; and

WHEREAS, a local unit may establish a capitalized level other than the revised threshold, provided it does not exceed \$5,000 per unit; and

WHEREAS, a threshold limit must be established for fixed assets for the Township of Franklin,

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Franklin hereby set forth the fixed asset limit as defined in NJAC 5:30-5.6, Accounting for Government Assets, to a maximum limit of \$2,000 for all non-expendable, tangible personal property effective 12/1/24.

**RESOLUTION NO. 2024-83
FRANKLIN TOWNSHIP
WARREN COUNTY, NEW JERSEY**

**RESOLUTION SUPPORTING AMENDMENT OF THE FAIR HOUSING ACT (FHA) AS
PROPOSED BY THE NEW JERSEY INSTITUTE OF LOCAL GOVERNMENT ATTORNEYS
(NJILGA)**

WHEREAS, the current standards embodied in the New Jersey Fair Housing Act (“FHA”) impose unrealistic burdens on municipalities as demonstrated by the fact that the FHA calls for the imposition of a statewide affordable housing obligation of 84,698 just for Round 4 on municipalities that issued only 99,956 Certificates of Occupancy for all housing units in the 2010-2020 period that was used to establish prospective need obligations for Round 4; and

WHEREAS, the imposition of unrealistic obligations does not advance the realistic opportunity for the construction of more affordable housing, but instead encourages opposition and litigation; and

WHEREAS, the imposition of excessive obligations disincentivizes municipalities to comply voluntarily with the Mount Laurel doctrine – an overarching goal of all three branches of government. Unrealistic housing obligations force municipalities to overdevelop with inclusionary housing, thereby causing resistance to affordable housing.

WHEREAS, compliance with the obligation proposed by the Department of Community Affairs places the cost of the obligation on the shoulders of municipal taxpayers to implement measures to address the secondary impacts of overdevelopment; and

WHEREAS, even-handed justice requires that the obligations imposed by our laws must be realistic in order to justify imposing an obligation of constitutional dimension on municipalities to create a realistic opportunity for affordable housing; and

WHEREAS, the unrealistic obligations imposed by the current laws can be easily addressed by redefining the manner in which the regional need is calculated to be faithful to a principle embodied in the FHA despite its many changes over almost forty years; and

WHEREAS, more specifically, the FHA has consistently defined the prospective need to include “a projection of housing needs based on development and growth which is *reasonably likely to occur* in a region or a municipality, as the case may be, as a result of actual determination of public and private entities” N.J.S.A. 52:27D-304 (j); and

WHEREAS, a determination of the number of new residential housing units, adjusted to remove tear down/rebuilds, represents a far more solid foundation to project “development and growth which is *reasonably likely to occur*” than the FHA’s current formula, which is based on “household change,” a nebulous and undefined term; and

WHEREAS, establishing prospective need for affordable units based on 20 percent of residential housing units *actually constructed* over a prior ten-year period accords with New Jersey’s long-standing policies of empowering municipalities to cure the abuse of exclusionary zoning with traditional inclusionary zoning; and

WHEREAS, the demand for market-rate housing is a reasonable basis for determining whether and to what extent a realistic opportunity for the creation of affordable housing may exist, and the issuance of certificates of occupancy for new residential units is a reliable indicator of such demand; and

WHEREAS, a standard aimed at ensuring that the number of affordable housing units in our state will increase commensurately with the number of market units constructed will put the doctrine on a sustainable trajectory that will avoid the tendency of municipalities to oppose implementation of affordable housing obligations; and

WHEREAS, the New Jersey Institute of Local Government Attorneys (“NJILGA”) has expressed its support for an amendment to the FHA by which “development and growth which is *reasonably likely to occur*” would be based upon the net number of new housing units constructed over each ten-year period for which the state’s affordable housing rounds are established; and

WHEREAS, for the above reasons, Township Committee of the Township of Franklin has determined that its prospective need, and the prospective need for all New Jersey municipalities for the fourth round and all future rounds of affordable housing obligations, should be calculated using

NJILGA’s proposed net housing unit based on certificates of occupancy as a methodology rather than the current FHA methodology based on “household change;”

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Franklin, in the County of Warren, and State of New Jersey, that the New Jersey Legislature is hereby requested to enact the amendment to the Fair Housing Act that has been recommended by the New Jersey Institute of Local Government Attorneys; and

AND BE IT FURTHER RESOLVED, that the clerk is hereby directed to send a copy of this signed, dated Resolution within five (5) days after its adoption, to the New Jersey Institute for Local Government Attorneys and certified copies of this Resolution shall be forwarded by the Clerk to the Office of the Governor and Lieutenant Governor, the Town's elected Representatives in the State Legislature, and the New Jersey League of Municipalities.

RESOLUTION 2024-85

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 non-agricultural 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.

OLD BUSINESS - Public Hearing/Adoption of:

ORDINANCE 2024-10

AN ORDINANCE APPROPRIATING \$26,978 FROM CAPITAL IMPROVEMENTS AND \$73,022 FROM THE NJDOT 2023 GRANT FOR MILLBROOK ROAD FOR IMPROVEMENTS TO MILLBROOK ROAD PHASE 3 IN THE AMOUNT OF \$100,000.00

-Motion to open Public Hearing - Committeeperson Herzer made the motion and seconded by Committeeperson Payne, Unanimous Vote.

-Public Comments - none heard

-Motion to close Public Hearing and Adopt - Committeeperson Butler made the motion and seconded by Committeeperson Toretta.

On motion by Committeeperson Toretta and seconded by Committeeperson Payne the aforementioned Ordinance 2024-10 be adopted as read.

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

NEW BUSINESS- Discussions/Approvals

Dog Shelter Bills – ACO Rob Lagonera – Shelter bills have been increasing to the point where it has become a concern for all surrounding municipalities that are in ACO Lagonera’s jurisdiction. He presented to the committee a plan that will continue to help stray animals and be able to build the dog trust fund to pay for these bills faster. The only money that goes into the fund currently is annual dog licensing fees. ACO has informed the shelter to start including in their monthly bills, every time a resident claims an impounded dog or cat or an unclaimed stray, to also provide the report. An ordinance will need to be adopted that will allow the township to send the residents a bill for having to use a municipal service. If the resident chooses not to pay for this then our ACO will write a court summons and take that resident to court. The township committee supports this plan and will have our municipal attorney draft an ordinance.

Resolution 2024-84 – 1,4 Dioxane Project - Engineer Finelli informed/and recommends to the township committee that Montana Construction is the apparent lowest bidder in the amount of \$3,265,800 to perform the 1,4 Dioxane Project.

On motion by Committeeperson Toretta and seconded by Committeeperson Herzer to approve the bid received from Montana Construction in the amount of \$3,265,800.

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

REPORTS/UPDATES

NJSP – A trooper was present this evening providing statistics for the number of traffic stops, tickets issues as well as warnings, arrest including DUI’s, investigations and motor vehicle accidents, etc. The stats provided were for their station coverage area, not township specific. A resident inquired as to what is being done with the drones. The trooper will investigate this.

Engineer – Mr. Finelli informed that the 2023 Millbrook Road project is complete. The upper section of Millbrook Road will be completed in the early spring of 2025. A FY25 DOT Grant was received in the amount of \$115,101, for the remaining section of Millbrook Road that is in between the storm section repaired. The 2024 Grant received for Good Springs and Willow Grove Roads; Good Springs Road is completed, and Willow Grove Road will be completed next year.

Zoning Officer – report submitted - Information related to zoning and code issues have been addressed this month. Access has been referred to the Land Use Boards as to a solar roof project. The Day property has been referred to the Land Use Board as a potential wedding venue. T&M Pallet has past slight reduction of trailers and still thousands of tires.

DPW – Report submitted – nothing further to report.

Franklin Twp. Fire/EMS – Chief Brown reported the 10-year ISO evaluation is complete. The Delaware Joint Toll Commission, effective January 12, 2025, will no longer have cash toll collection and emergency vehicles will not be able to call ahead to be waived through. A Toll-By-Plate bill will be generated, and each emergency department will have to contact the in-house customer service department to verify eligibility and request a dismissal for an emergency matter. The Warren County Fire Academy has modernized their curriculum. Due to lack of personnel staffing for fire and emergency services, dual alert status with a mutual aid company has been implemented 24 hours 7 days a week to answer calls. Currently there are 15 active fire fighters and 4 EMTs including 3 EMRs. The Warren County radio system must be upgraded to a digital system. Approximately \$80,000 will be needed to purchase the radios per the chief. EMS Chief Chiu informed us that all annual inspections have been completed/passed. Thank you to the mayor for attending the tree lighting ceremony. The senior luncheon went well, and all had a great time.

For the month of November:

Fire 17 call outs, 7 in Franklin
EMS 40 call outs, 17 in Franklin

Year to date:

Fire 141 call outs, 91 in Franklin
EMS 508 call outs, 259 in Franklin

OEM/911 Coordinator – OEM Tabert – Report submitted – nothing further to discuss.

Recycling Coordinator – No report submitted

FTYA- No representation present

Open Space/Agricultural Advisory Commissions –

Township Committee Reports:

Bonnie Butler – The Open Space/Ag Commission had a meeting this past month and a new state funding formula is being proposed which will bring property valuation up.

Sarah Payne – nothing to report.

Michael Toretta – Christmas Tree pick up needs to be put on the website.

Let the record reflect that Attorney Benbrook joined the meeting at 7:50 p.m.

Rich Herzer – nothing to report.

David Guth – The mayor informed that he and Deputy Mayor Herzer attended the NJ League of Municipalities conference.

Attorney – Kevin Benbrook informed we will need to appoint an Affordable Housing Liaison in 2025. Mr. Benbrook will draft for the coming year ordinances for Handicap Parking, Air B&B's and a dog ordinance per our earlier discussion with our ACO. Mr. Benbrook will also work with our zoning officer to create an ordinance to assist with dealing with zoning/code issues as this has not been proven successful in a court setting.

At approximately 8:00 p.m. Mayor Guth opened the floor for Public Session.

Dave Leary – Mr. Leary inquired about the process moving forward with the 1,4 Dioxane Project.

Marsha Colaluce – Ms. Colaluce is requesting the opportunity to discuss with the coordinator and/or an open meeting forum as to the Clean Communities Grant program guidelines. As for the OPRA requests submitted, she has received documents requested and there are discrepancies once compared. Mayor Guth informed us that our coordinator was to attend this evening's meeting, however he is ill. We have done our due diligence, and he is clearly confident we are complying. These are guidelines we follow not the law or a mandate, and we are done with this. No other committeepersons had anything further for Ms. Colaluce.

Open public session closed by Mayor Guth at 8:10 p.m.

Engineer Finelli addressed the committee, as this will be his last meeting as our municipal engineer. He was appointed by Mayor Valerie Riggs and enjoyed serving the township. It was a pleasure working with all. Thank you from the bottom of my heart. Donna Becker has been working with Mr. Finelli and feels this transition will be fine. Mr. Finelli will be working with the County of Warren as their Director of Engineering.

Mayor Guth wishes everyone a Merry Christmas and Happy New Year and we will break into an executive session.

At this time, the committee will commence into an Executive Session on motion by Committeeperson Payne and second by Committeeperson Butler at 8:15 p.m.

EXECUTIVE SESSION

BE IT RESOLVED on this 9th day of December 2024, 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

**Potential Litigation – Audit findings
Contract Negotiations – DPW Truck Quotes**

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 the executive session can be publicly disclosed.

THEREFORE, be it resolved on this 9th day of December 2024 by the Franklin Township Committee, that the matter stated will be discussed in executive session, said session to commence at approximately 8:15 p.m.

On motion by Committeeperson Butler and seconded by Committeeperson Herzer to return to the regular session at 8:31 p.m. Unanimous Vote.

On motion by Committeeperson Butler and seconded by Committeeperson Toretta to approve the purchase of a DPW Mason Dump from Rossi per a quote of \$75,049 subject to certification of funds, 30% from Open Space Funds.

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

On motion by Committeeperson Toretta and seconded by Committeeperson Payne, the Old Duck Truck, spreader and any other obsolete equipment to sell on Munici Bid.

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

Attorney Benbrook informed, in executive session, a discussion with our Municipal Auditor, John Mooney, as to audit findings from our former tax collector.

On motion by Committeeperson Butler and seconded by Committeeperson Payne to approve the bills to be paid received by the CFO as submitted.

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

On motion by Committeeperson Toretta and seconded by Committeeperson Butler, hearing no objection, the meeting stands adjourned at 9:14 p.m.

Respectfully submitted,

Denise L. Becton

Denise L. Becton, RMC/CMR
Municipal Clerk