

REGULAR MEETING

The Franklin Township Committee held its regular monthly meeting on Monday, February 1, 2021. Mayor Mike Ferri opened the meeting, at approximately 7:09 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.

ROLL CALL OF COMMITTEE MEMBERS PRESENT: Bonnie Butler, Jeff DeAngelis, Rich Herzer, Mike Toretta, Mayor Mike Ferri, (5) Present.

Present were: Denise L. Becton, Municipal Clerk, Jim Onembo, Zoning/Code Enforcement Officer, Mike Finelli, Municipal Engineer, Kevin Benbrook, Municipal Attorney

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

2. APPROVAL
a. Meeting Minutes **RE: January 4, 2021**

3. RESOLUTIONS

- a. Res. 2021-24 **RE: Land Use Board Appointments**
- b. Res. 2021-25 **RE: Open Space Appointments**
- c. Res. 2021-26 **RE: Municipal Court Personnel Appointments**
- d. Res. 2021-27 **RE: Tax Sale Cert#2020-11 Block 56 Lot 31 Tax Refund**
- e. Res. 2021-28 **RE: OEM/911 Coordinator 2021 Job Titles**
- f. Res. 2021-29 **RE: Tax Refund overpayment of taxes Block 51.03 Lot 9**
- g. Res. 2021-30 **RE: Tax Refund of Tax Sale Cert#2020-29 Block 48 Lot 27**

On motion by Committeeperson Bonnie Butler and seconded by Committeeperson Rich Herzer the meeting minutes on the Consent Agenda be adopted/approved as listed.

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

On motion by Jeff DeAngelis and seconded by Bonnie Butler the resolutions 24-30 on the Consent Agenda be adopted as read.

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

RESOLUTUIONS: Res. 2021-24 – Res. 2021-30

RESOLUTION 2021-24

WHEREAS, the Franklin Township Committee has deemed it necessary to appoint the following members to the Land Use Board that shall be appointed by the Mayor of the Township of Franklin. The appointments for the year 2021 for the coming year were made on February 1, 2021 as follows.

Mike Ferri, Class I	1yr.	exp. 12/21
Jim Onembo, Class II	1yr.	exp. 12/21
Ron Sigler, Remainder of Unexpired Term, Class IV		exp. 12/22
Sam Santini, Class IV	4yr.	exp. 12/24
Mike Handel, Alt. #1	1yr.	exp. 12/21

On motion by Jeff DeAngelis and seconded by Bonnie Butler the aforementioned **Resolution 2021-24** be adopted as read.

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

CERTIFICATION

I, Denise L. Becton, Municipal Clerk of the Township of Franklin, Warren County, New Jersey is a true and correct copy of a resolution approved by the Township Committee of the Township of Franklin at a regular meeting held on February 1, 2021.

Denise L. Becton, Municipal Clerk
Franklin Township

On motion by Mike Toretta and seconded by Bonnie Butler to appoint Committeeperson Rich Herzer to the Land Use Board as a Class III member for 1 year term.

Roll Call Vote	Yes	No	Absent/Abstained	
Bonnie Butler	X			
Jeff DeAngelis	X			
Rich Herzer			X	
Michael Toretta	X			
Mike Ferri, Mayor	X	(4) Yes (0) No	(1) Abstained	Motion Carried

RESOLUTION 2021-25

WHEREAS, the Franklin Township Committee has deemed it necessary to appoint the following members to the Open Space Commission that shall be appointed by the Mayor of the Township of Franklin. The appointments for the year 2021 for the coming year were made on February 1, 2021 as follows.

Daniel Kubik	3yr.	exp. 12/23
Rich Herzer, Alt. #1	1yr.	exp. 12/21
Brad Sigler	3yr.	exp. 12/23
Sara Pyskaty, Alt. #2	1yr.	exp. 12/21

On motion by Jeff DeAngelis and seconded by Bonnie Butler the aforementioned **Resolution 2021-25** be adopted as read.

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

CERTIFICATION

I, Denise L. Becton, Municipal Clerk of the Township of Franklin, Warren County, New Jersey is a true and correct copy of a resolution approved by the Township Committee of the Township of Franklin at a regular meeting held on February 1, 2021.

Denise L. Becton, Municipal Clerk
Franklin Township

RESOLUTION 2021-26

**RESOLUTION AUTHORIZING THE MUNICIPAL COURT OF THE
TOWNSHIP OF FRANKLIN TO ENGAGE A
MUNICIPAL JUDGE, PROSECUTOR AND OTHER COURT PERSONNEL**

WHEREAS, the Township of Franklin, Warren County, New Jersey, has entered into an interlocal municipal services agreement for the creation of a shared municipal court with the Town of Belvidere; and

WHEREAS, this court is known as the Municipal Court of the Township of Franklin; and

WHEREAS, the Municipal Court requires the services of a Judge, Municipal Prosecutor, Court Administrator, and other Court personnel for the Calendar Year 2021; and

WHEREAS, pursuant to the Interlocal Services Agreement, the Municipal Court of Franklin appoints the Judge, Prosecutor and other Court personnel appointed by the Town of Belvidere as the lead agency.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Committee of the Township of Franklin, County of Warren, State of New Jersey, that the following Court appointments be and hereby are made for the Municipal Court of the Township of Franklin for Calendar Year 2021:

- Municipal Court Judge – Honorable Nicole Lenar – 3 Year Term – 1/1/2021 – 12/31/2023
- Prosecutor – Roger Skoog, Esq.
- Court Administrator – Dawn Decker
- Public Defender - Scott Wilhelm, Esq.

On motion by Jeff DeAngelis and seconded by Bonnie Butler the aforementioned **Resolution 2021-26** be adopted as read.

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

CERTIFICATION

I hereby certify the foregoing to be a true copy of a Resolution adopted by the Franklin Township Committee at a meeting held on February 1, 2021.

Denise L. Becton, Township Clerk

RESOLUTION NO. –2021-27

WHEREAS, US Bank-Cust Act lien holds Tax Sale Certificate #2020-011 on Block 56 Lot 31 and,

WHEREAS, the property owner has redeemed this lien,

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Committee authorize the Tax Collector to refund the Tax Lien amount of \$ 2,970.71 plus the Tax Sale Premium amount of \$7,300.00 for a total of \$10,270.71 to US Bank-Cust Act lien, 50 South 16th Street, Suite 2050, Philadelphia, PA 19102.

On motion by Jeff DeAngelis and seconded by Bonnie Butler the aforementioned **Resolution 2021-27** be adopted as read.

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

CERTIFICATION

I hereby certify the foregoing to be a true copy of a Resolution adopted by the Franklin Township Committee at a meeting held on February 1, 2021.

Denise L. Becton, Township Clerk

RESOLUTION 2021-28

BE IT RESOLVED, by the Township Committee of the Township of Franklin, County of Warren and State of New Jersey that the following job titles for the year 2021 be made:

Emergency Management Coordinator	Raymond Read
911 Coordinator	Raymond Read

On motion by Jeff DeAngelis and seconded by Bonnie Butler the aforementioned **Resolution 2021-28** be adopted as read.

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

CERTIFICATION

I, Denise L. Becton, Municipal Clerk of the Township of Franklin, Warren County, New Jersey is a true and correct copy of a resolution approved by the Township Committee of the Township of Franklin at a regular meeting held on February 1, 2021.

Denise L. Becton, Municipal Clerk
Franklin Township

RESOLUTION NO. 2021-29

WHEREAS, an overpayment of taxes was made by the homeowner on Block 51.03 Lots 9, and

WHEREAS, the homeowner has requested a refund check be issued,

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Committee authorize the Tax Collector to refund the redemption amount of \$7,808.37 to Noah Yu, 33 Hudson St., Apt 2701E, Jersey City, NJ 07032.

On motion by Jeff DeAngelis and seconded by Bonnie Butler the aforementioned **Resolution 2021-29** be adopted as read.

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

CERTIFICATION

I, Denise L. Becton, Municipal Clerk of the Township of Franklin, Warren County, New Jersey is a true and correct copy of a resolution approved by the Township Committee of the Township of Franklin at a regular meeting held on February 1, 2021.

Denise L. Becton, Municipal Clerk
Franklin Township

RESOLUTION NO. 2021-30

WHEREAS, US Bank-Cust for PC8, First Trust Bank holds Tax Sale Certificate #2020-009 on Block 48 Lot 27 and,

WHEREAS, the property owner has redeemed this lien,

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Committee authorize the Tax Collector to refund the redemption amount of \$ \$18,406.16 to US Bank-Cust for PC8, **2500 McClellan Blvd., Suite 200, Pennsauken, NJ 08109.**

On motion by Jeff DeAngelis and seconded by Bonnie Butler the aforementioned **Resolution 2021-30** be adopted as read.

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

CERTIFICATION

I, Denise L. Becton, Municipal Clerk of the Township of Franklin, Warren County, New Jersey is a true and correct copy of a resolution approved by the Township Committee of the Township of Franklin at a regular meeting held on February 1, 2021.

Denise L. Becton, Municipal Clerk
Franklin Township

NEW BUSINESS

REPORTS/UPDATES

NJSP – no representation this evening

ORDINANCES

First Reading/Introduction – Ordinance 2021-3

(Due to the length of this ordinance, if you would like a copy to view, please contact the municipal clerk)

Ordinance No. 2021 – 3

Ordinance To Repeal and Replace Chapter 119 of the Code of the Township of Franklin Entitled “Stormwater Control” To Reflect Amendments To The New Jersey Stormwater Management Rules At N.J.A.C. 7:8, Adopted March 2, 2020

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Committee of the Township of Franklin held on February 1, 2021, and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Township Committee to be held on March 1, 2021 at 7 p.m. or as soon thereafter as the Township Committee may hear this Ordinance at the Municipal Building, 2093 Rt. 57, Broadway, New Jersey, at which time all persons interested may appear for or against the passage of said Ordinance.

Denise L. Becton
Municipal Clerk

Introduced: February 1, 2021
Adopted:

On motion by Committeeperson Rich Herzer and seconded by Committeeperson Mike Ferri the aforementioned **Ordinance 2021-3** be adopted at first reading. Final reading and adoption to take place on **March 1, 2021 at or near 7:00 p.m.**

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

DISCUSSIONS

Community Center Platform/Heat Upgrade – a discussion ensued as to the upgrade of heat and air conditioning in the community center. Air conditioning will be quite expensive and the type of heat that makes sense for our building, needs to be taken into consideration. What is more energy efficient and economical? The consensus of the committee is to table for additional discussion, a presentation might be beneficial at our next meeting.

OLD BUSINESS

PUBLIC HEARING AND CONSIDERATION OF:

Final Reading and Adoption of Ordinance 2021-1

**ORDINANCE 2021-1
CALENDAR YEAR 2021
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO
ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

On motion by Bonnie Butler and seconded by Rich Herzer to open the Public Hearing.

No Public Comments

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

On motion by Committeeperson Bonnie Butler and seconded by Committeeperson Herzer the aforementioned Ordinance 2021-1 be adopted at final reading.

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

PUBLIC HEARING AND CONSIDERATION OF:

Final Reading and Adoption of Ordinance 2021-2

**TOWNSHIP OF FRANKLIN
ORDINANCE NO. 2021-2**

**AN ORDINANCE AUTHORIZING THE APPLICATIONS FOR CHARITABLE
SOLICITATION PERMITS FOR FRANKLIN TOWNSHIP FIRE DEPARTMENT “COIN
DROP” EVENTS FOR THE YEAR 2021 IN THE TOWNSHIP OF FRANKLIN, COUNTY OF
WARREN, NEW JERSEY**

On motion by Rich Herzer and seconded by Mike Toretta to open the Public Hearing.

No Public Comments

On motion by Rich Herzer and seconded by Bonnie Butler to close the Public Hearing and adopt.

On motion by Committeeperson Mike Toretta and seconded by Committeeperson Rich Herzer the aforementioned **Ordinance 2021-2** be adopted at final reading.

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

REPORTS/UPDATES:

Engineer Report –

Engineer Finelli advised that the 2021 DOT Grant for Millbrook Road, Section I, asked for \$245,000, received \$136,700, short \$108,300. Two options put Capital money towards the project or a Scope Modification reducing the length of the project. This discussion will be tabled for further discussion at our Budget Workshop Meeting.

Attorney Report –

Redevelopment discussion for Executive Session

Open Space Commission – No one present

Jim Onembo – Code Enforcement/Zoning

Mr. Onembo updated the committee as to various Zoning matters this month. Blue Army Shrine permits approved. Elizabethtown Gas potential solar canopy. Dunkin Donuts bought the strip mall looking to expand the sign. Removal of Off-Tract signs from Rt. 57 and would like the Sign Ordinance addressed. Attorney advised it is in the hands of the Land Use Board to address, prior to coming back to the township committee. Vacant Property Fees received on 454 Old Main Street. Addressed Echo Housing in area of Copperfields and a Single family home on Halls Mill Road. OK 4WD looking to expand business. Lastly an anonymous complaint as to machinery on Edison Road turned out to be agricultural.

Fire Department/EMS – Chief Jan Verkade – no one present

Office of Emergency Management - Denise Becton, DOEM

Hazard Mitigation Plan is complete and submitted. Thank you to Sonny Read and Committeeperson Butler for the assistance in completing.

Franklin Township Community Center – Eddy Patient – not present

DPW REPORT – Ron Read – Report submitted and on file – not present

Franklin Township Youth Association – No one present

Township Committee Reports:

Bonnie Butler –

Ms. Butler would like to see generators to be purchased for the DPW Garage as well as the Municipal Building. Foreman Read will seek quotes. DOEM Becton informed that there are portable generators available to us through the fire department.

Rich Herzer – Nothing further to report

Jeff DeAngelis – Nothing further to report

Mike Toretta –

Mr. Toretta inquired if the solar project at the municipal building is nearing completion. Mayor will look into this.

Mike Ferri, Mayor –

Mayor reviewed the Platform quote received from C&T Welding in the amount of \$9670 as well as a new container for community center storage. Additional discussion to ensue at the Budget Workshop Meeting. The new doors are on order for the community center and front of the municipal offices. Committeeperson Herzer would like to see us complete one project at a time before continuing with additional projects. Foreman Read is obtaining quote for gates at the road garage. CFO will look into setting up a Petty Cash Account for the DPW. A letter of retirement, effective August, 2021, was received by Ron Read.

At this time on motion by Rich Herzer and seconded by Mike Toretta to open the floor to Public Session at 7:59 pm.

OPEN PUBLIC SESSION

Laurie Winiarski – 177 Bloomsbury Road, pertaining to the warehouse application on Bloomsbury road, previously, what would the tax rate for the property be, now that the state has declined this? Attorney informed no way to ascertain. What does moving through a checklist mean? Zoning Officer informed that when an applicant applies to the Land Use Board, they have a check list process in order to apply.

Claire Rolhoff – 383 Bloomsbury Road, at the December 7th meeting, Mayor DeAngelis informed of a Town Hall Meeting, when will this happen? Committeeman DeAngelis deferred this to Mayor Ferri, and he informed it will be placed on the website when this is scheduled.

Ann Ferrero – Main Street in Bloomsbury, NJ – will the town hall meeting be public and two-way dialogue? Attorney informed due to potential litigation we shouldn't commit to anything. Do township officials and professionals receive training and/or guidance as to what they can or cannot say? Again, Attorney echoed, possible litigation, no response given.

Pat Banes – 366 Bloomsbury Road – how much money has the township committee spent on a failed attempt of Block 58 Lot 1 endeavor? Attorney informed to send an OPRA.

Mike Zawacki – Bloomsbury Road – a procedural question, the administrator said earlier that the meeting is recorded in its entirety, why don't we post the recording or transcript on our website, instead of a condensed version of minutes which is someone else interpretation? A lot of information is being left off or not included, not to point fingers, but we need a bigger picture of what goes on at these meetings. Attorney informed that this is not a legal requirement and would put a big burden on our clerk. Not done in any other municipalities in the State of NJ and it won't be done in Franklin Township.

Rick Canale – Lime Kiln Road – just for the record, two additional tractor trailers have attempted to cross the bridge into Hunterdon County since Christmas. This is a constant problem additional signage is needed.

Brian Lopez – 341 Mountain View Road – Mayor Ferri did you vote with the Land Use Board on the redevelopment for the warehouse and would that be considered a conflict moving forward? Attorney advised, no it would not be a conflict.

At this time on motion by Mike Toretta and seconded by Bonnie Butler to close the floor to Public Session at 8:14 pm.

EXECUTIVE SESSION

BE IT RESOLVED, on this 1st day of February, 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

Potential Litigation, Personnel

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 February, 2021 by the Franklin Township Committee, that the matter stated will be discussed in executive session, said session to commence at 8:15 pm.

On Motion by Mike Toretta and seconded by Bonnie Butler to exit to executive session at 8:15 p.m. Unanimous Vote.

On motion by Jeff DeAngelis and seconded Rich Herzer to return to the regular session at 8:45 p.m. Unanimous Vote.

Attorney Benbrook advised of two topics discussed in Executive Session as follows:

1. A discussion in respect to a letter of disapproval from the DCA as to the Redevelopment of Blok 58 Lot 1. A letter has been signed by the mayor and mailed to the DCA seeking reconsideration. We have the right to appeal within 45 days and it is recommended Protective File to the Appellant Division to authorize a Notice of Appeal.

2. Budget matters pertaining to Personnel to continue at the Budget Workshop Meeting.

Need to authorize the attorney to file the Protective File to the Appellant.

On motion by Mike Ferri and seconded by Mike Toretta, to authorize Attorney Benbrook to file accordingly on behalf of the township.

Roll Call:	Yes	No	Absent/Abstained	
Bonnie Butler	X			
Jeff DeAngelis			X	
Rich Herzer	X			
Michael Toretta	X			
Mike Ferri, Mayor	X			

(4) Yes (0) No (1) Abstained Motion carried

Attorney noted that Committeeperson DeAngelis did not take part in the discussion in Executive Session for Block 58 Lot 1 only the Personnel/Budget Discussions.

MOTION FOR PAYMENT OF BILL LIST:

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

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

MOTION FOR ADJOURNMENT:

On motion by Mike Toretta and seconded by Rich Herzer, hearing no objection, meeting stands adjourned at 8:51 pm.

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

Respectfully submitted,

Denise L. Becton
Municipal Clerk