

REGULAR MEETING

The Franklin Township Committee held its regular monthly meeting, via ZOOM, on Monday, March 1, 2021, hosted by Jean Paul Reece of ARAE Network. Mayor Mike Ferri opened the meeting, at approximately 7:07 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 2-4)

2. APPROVAL

- a. Meeting Minutes **RE: February 1, 2021**
- b. Executive Meeting Minutes **RE: February 1, 2021**
- c. Social Affair Permit **RE: WC Wiffle Ball Tournament, August 6-7, 2021**

3. RESOLUTIONS – FIRST READING/ADOPTION

- a. Res. 2021-31 **RE: Petty Cash Account – DPW**
- b. Res. 2021-32 **RE: Budget Transfers**

4. APPROVALS

- a. Interlocal Agreement **RE: Pollution Control Financing (2021)**

On motion by Committeeperson Rich Herzer and seconded by Committeeperson Mike Toretta the **Meeting Minutes and Social Affair Permit** on the Consent Agenda be adopted/approved as listed. *Note Committee **DeAngelis abstained from the Executive Session Meeting Minutes Only.**

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 Rich Herzer and seconded by Bonnie Butler the **Resolutions 2021-31 & 32** and the **Interlocal Agreement with the Pollution Control Financing** 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			(5) Yes (0) No (0) Abstained Motion Carried

RESOLUTUIONS: Res. 2021-31 – Res. 2021-32

RESOLUTION 2021-31

WHEREAS, N.J.S.A. 40A:5-21 authorizes the establishment of a Petty Cash Fund in any county or municipality by application and resolution; and,

WHEREAS, it is the desire of the Township Committee of the Township of Franklin, County of Warren to establish such a fund for the Department of Public Works in the amount of \$500.00; and

WHEREAS, the custodian for this fund is Ronald Read, who is bonded for the Blanket Amount of \$1,000,000.00; such custodian shall maintain records for this fund in a manner conducive to proper accounting and auditing procedures;

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Franklin hereby authorizes such action and that two copies of this resolution be filed with the Division of Local Government Services, New Jersey Department of Community Affairs for approval.

On motion by Rich Herzer and seconded by Bonnie Butler the aforementioned **Resolution 2021-31** 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		(5) Yes (0) No (0) Absent/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 March 1, 2021.

Denise L. Becton, Municipal Clerk
Franklin Township

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

**RESOLUTION – 2021-32
BUDGET TRANSFER**

WHEREAS, N.J.S.A. 40A:4-58 and 59 authorizes transfers from certain budget appropriations where it is expected that it will be insufficient, and

WHEREAS, it is reasonable expected that certain appropriations will not be sufficient for contemplated expenditures;

NOW, THEREFORE, BE IT RESOLVED that the Chief Financial Officer of Franklin Township, County of Warren, State of New Jersey, is hereby instructed to adjust the financial records in accordance with the provision of this Resolution:

CURRENT FUND

<u>Account:</u>	<u>From:</u>	<u>To:</u>
General Admin O/E	1,400.00	
Tax Collector O/E		300.00
Legal Services O/E		400.00
Fire Dept O/E		700.00
<hr/>		
TOTALS	\$1,400.00	\$1,400.00

On motion by Rich Herzer and seconded by Bonnie Butler the aforementioned **Resolution 2021-32** 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		(5) Yes (0) No (0) 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 March 1, 2021.

Denise L. Becton, Municipal Clerk
Franklin Township

NEW BUSINESS

REPORTS/UPDATES

NJSP – no representation this evening

ORDINANCES

First Reading/Introduction – Ordinance 2021-4

**ORDINANCE 2021-4
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)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 1.0% unless authorized

by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Franklin Township Committee of the Township of Franklin in the County of Warren finds it advisable and necessary to increase its CY 2021 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Franklin Township Committee hereby determines that a 1.0% increase in the budget for said year, amounting to \$12,341.39 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Franklin Township Committee hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Franklin Township Committee of the Township of Franklin, in the County of Warren, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2021 budget year, the final appropriations of the Township of Franklin shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$ 43,194.87, and that the CY 2021 municipal budget for the Township of Franklin be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

On motion by Committeeperson Bonnie Butler and seconded by Committeeperson Mike Ferri the aforementioned **Ordinance 2021-4** be adopted at first reading. Final reading and adoption to take place on **April 5, 2021 at 7:00 p.m.**

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

Motion carried

On motion by Committeeperson and seconded by Committeeperson the aforementioned ordinance be adopted at final reading.

Roll Call Vote	Yes	No	Absent/Abstain
Bonnie Butler			
Jeff DeAngelis			
Rich Herzer			
Michael Toretta			
Mike Ferri, Mayor	(5) Yes	(0) No	(0) 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 March 1, 2021. Second reading, public hearing will be held on April 5, 2021 at or near 7:00 PM in the Franklin Township Municipal Building, 2093 Rt. 57, Broadway, New Jersey.

Denise L. Becton, RMC/CMR

DISCUSSIONS/APPROVALS

Community Center Platform and Heat

Committeemen Herzer and Toretta would like to see the upgrading of the heat and a new platform for the center placed on hold at this time, due to COVID.

A sidebar conversation to outsource the mowing in the township of open space property or consider part-time help. The Open Space, 3 acre field, off of Edison Road, we should consider planting a hayfield, per Committeeman Herzer. Mr. Herzer will reach out to our current farm agreements, Petty/Santini/Woolf, to see if they would be interested. An addendum of their current contract with the township is all that would be needed per Attorney.

The CFO needs clarification as to the percentage of the heat/electric in the Community Center, to be refunded back to the General Account from the Recreation. Committeeman DeAngelis will coordinate this with CFO.

Engagement Letter - Block 58 Lot 1

A letter was received from Giordano, Halleran & Ciesla, P.C., referencing the Supplemental Engagement, Appeal of NJDCA Determination. A fee of \$5,000 not to exceed unless separate additional authorization from the Township.

On motion by Committeeperson Mike Ferri and seconded by Committeeperson Mike Toretta to authorize the Mayor to execute the letter reviewed/acknowledged and agreed to terms of said letter.

Roll Call Vote	Yes	No	Absent/Abstain	
Bonnie Butler		X		
Jeff DeAngelis			X	
Rich Herzer	X			
Michael Toretta	X			
Mike Ferri, Mayor	X	(3) Yes	(1) No	(2) Abstained Motion carried

OLD BUSINESS

OLD BUSINESS

PUBLIC HEARING AND CONSIDERATION OF:

Final Reading and Adoption of Ordinance 2021-3

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

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

No Public Comments

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

On motion by Committeeperson Mike Toretta and seconded by Committeeperson Rich Herzer the aforementioned Ordinance 2021-3 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 updated the committee as to the 2021 DOT Grant for Millbrook Road, Section I. We applied for \$245,000, received \$136,700, short \$108,300. We could either do the project in Sections or apply for a Scope Modification reducing the length of the project. The CFO advised that there is \$204,000 in a Capital Improvement Fund that can be used.

On motion by Committeeperson Bonnie Butler and seconded by Committeeperson Mike Ferri to go ahead with the project through the NJDOT Grant money received and the remainder from the Capital Improvement Fund.

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

The CFO will look into any available money for the Oil/Chip program for Foreman Read.

On motion by Committeeperson Mike Ferri and seconded by Committeeperson Bonnie Butler authorizing the Engineer to move forward with the above project.

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

Attorney Report –

Attorney Benbrook filed the Appeal to the NJDCA as to the Redevelopment of Block 58 Lot 1. Our OPRA request was filled and the documents were received from the DCA. The WC Planning Department opposed to any Redevelopment and the ADC opposed property due to preservation. The Freeholders were unaware of the letter sent in opposition by the Planning Department. A decision to our Appeal, per the attorney, advised we may see this in 2021.

Attorney informed that the Tax Foreclosures can be filed, however, there will be modest fees to do this. We should probably build this expenditure into our budget, approximately \$15,000. Attorney will order searches. As to the Heisler lawsuits they should be dismissed without prejudice.

Open Space Commission – No one present

Jim Onembo – Code Enforcement/Zoning

Mr. Onembo had nothing substantial this month to report. Committeeman Herzer inquired as to the foreclosed properties in the township. Mr. Onembo advised there are only 5 properties that remain, from our long list last year. To date we have received \$8,000.

Fire Department/EMS – Chief Jan Verkade –

Chief Verkade inquired as to the 1994 Van Ambulance and a consideration of the committee to release said Title to the Fire Department. They have an interested party, that would like to us it as a mobile home. The ambulance is 10 years old and has had an electric fire and does not run. It will be sold as is and looking to get the value of scrap metal and use that money to purchase of equipment. Prior to the ambulance removed off their lot, the lights and squad emblem must be removed. Attorney advised the committee this makes sense to proceed.

On motion by Committeeperson Bonnie Butler and seconded by Committeeperson Jeff DeAngelis to release/sign the Title of the 1994 Van Ambulance over to the Fire Department.

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

Fire Department/EMS report continued:

Chief advised for the month of February, there were a total of 77 calls, 5 Fire and 72 EMS.

Office of Emergency Management - Denise Becton, DOEM

Nothing to report this month.

Franklin Township Community Center – Eddy Patient – not present

DPW REPORT – Ron Read – Report submitted and on file

Franklin Township Youth Association – Jim Schlessinger, President

President Schlessinger present this evening. Since he was unable to attend the last budget workshop, he wanted to touch base if there was anything additional needed. A total of \$13,000 was requested for 2021. Mr. Schlessinger will meet with our CFO to catch up and discuss numbers.

Township Committee Reports:

Rich Herzer –

Mr. Herzer had nothing further to report

Mike Toretta –

Committeeman Toretta asked about a grant writer to assist Fire/EMS with equipment purchase alleviating their budget line item. If our road department has been functioning with only 2 people, why don't we remove the third person salary from our budget, this will offset one cent from this year's budget. Committeeperson Butler concerned about safety and the quality of service to the township. Committeemen Toretta would like to hire a part time person and outsource the mowing for the DPW. Committeeman Herzer said he would give up his stipends as a committeeperson and we should suspend raises from last year to help with our current budget situation. An additional workshop meeting will commence Monday, March 8 at 5 PM via ZOOM.

Jeff DeAngelis – Nothing further to report

Bonnie Butler-

Committeeperson Butler would like to seek quotes for a generator at the road garage. Foreman Read will handle. We will also need to advertise for a new hire for the DPW.

Mike Ferri, Mayor –

The Mayor informed the new doors have been installed at the front entrance and side back door of the municipal building. Thank you to the DPW for all their hard work this winter.

At this time on motion by Rich Herzer and seconded by Mike Toretta to open the floor to Public Session at 8:40 pm.

OPEN PUBLIC SESSION

Tracey Heisler – 380 Bloomsbury Road, with Spring approaching, what is the availability for brush and debris drop off at the road garage? The mayor informed that the yard is being cleaned up to allow entrance.

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

EXECUTIVE SESSION

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

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 March, 2021 by the Franklin Township Committee, that the matter stated will be discussed in executive session, said session to commence at 8:42 pm.

On Motion by Bonnie Butler and seconded by Mike Toretta to exit to executive session at 8:42 p.m. Unanimous Vote.

On motion by Bonnie Butler and seconded Mike Ferri to return to the regular session at 8:59 p.m. Unanimous Vote.

Attorney Benbrook advised discussion in Executive Session was the retirement of Road Foreman Ron Read. Addressing his unused sick and vacation days. At this time, he is scheduled to retire effective August 1st, but that might change per Mr. Read.

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. Remove US Municipal bill, Foreman Read waiting to hear back from them as to what is due. Ciao Pizza is also removed from the bill list, as this was paid directly by Foreman Read and was listed separate on the bill list.

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 Ferri and seconded by Mike Toretta, hearing no objection, meeting stands adjourned at 9:01 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