

REGULAR MONTHLY MEETING

The Franklin Township Committee held their regular monthly meeting on Monday, May 1, 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 Township Clerk.

Following the flag salute, **Roll Call of Committeepersons present:** Bonnie Butler, Mike Ferri, David Guth, Richard Herzer, Mike Toretta, Mayor (5)Yes, (0) No, (0) Absent.

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

CONSENT AGENDA:

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

2. APPROVAL OF MINUTES/LETTERS

- a. Regular Meeting **RE: April 3, 2023**
- b. Executive Meeting **RE: April 3, 2023**
- c. Budget Workshop Meeting **RE: April 10, 2023**

On motion by Bonnie Butler 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

NEW BUSINESS

MOTION TO INTRODUCE 2023 MUNICIPAL BUDGET

- a. Resolution 2023-33 **RE: Open Space Tax Rate for 2023 \$0.25 per \$100 assessed valuation**
- b. Resolution 2023-36 **RE: Self-Examination of Budget Resolution**
- c. Intro of Ord. 2023-6 **RE: Ordinance to exceed the municipal budget appropriation limit and to establish a Cap Bank**

Municipal Auditor, John Mooney present this evening, informed the committee that the introduction of the 2023 Budget is in compliance with an approximate one-cent increase overall. The average taxpayer will see an annual increase of \$29.00. We are utilizing less surplus and hopeful we will be in a better position for the 2024 Budget. June 5th will be the public hearing to adopt our municipal budget.

Introduction of: Resolution 2023-33

TOWNSHIP OF FRANKLIN COUNTY OF WARREN STATE OF NEW JERSEY

RESOLUTION #2023-33

WHEREAS, the provisions of the Township of Franklin's open space ordinance allows the township committee to set the open space tax rate annually within a specified range; and,

WHEREAS, the township committee desires to set municipal open space tax rate at **\$0.25** per \$100 of assessed valuation for the 2023 calendar year.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Franklin that election be made to set the municipal open space tax rate at **\$0.25** per \$100 of assessed valuation for the 2023 calendar year.

On motion by Mike Ferri and seconded by David Guth the aforementioned **Resolution 2023-33** be adopted as read.

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	(0) Abstained	Motion carried

CERTIFICATION

It is hereby certified that this is a true and accurate copy of a Resolution adopted by the governing body of the Township of Franklin at a meeting held in the Municipal Building, on May 1, 2023.

Witness my hand and the SEAL of the Township of Franklin.

Denise L. Becton

Denise L. Becton, Township Clerk

Introduction of: Resolution 2023-36

RESOLUTION 2023-36 SELF-EXAMINATION OF BUDGET RESOLUTION

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Township of Franklin has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2023 budget year.

NOW THEREFORE BE IT RESOLVED, by the governing body of the Township of Franklin, Warren County, that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes.
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on

appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).

3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.

4. That pursuant to the Local Budget Law:

- a. All estimates of revenue are reasonable, accurate and correctly stated,
- b. Items of appropriation are properly set forth
- c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.

CERTIFICATION

It is hereby certified that this is a true and accurate copy of a Resolution adopted by the governing body of the Township of Franklin at a meeting held in the Municipal Building, on April 3, 2023.

Witness my hand and the SEAL of the Township of Franklin.

Denise L. Becton

Denise L. Becton, Municipal Clerk

Introduction of: Ordinance 2023-6

**ORDINANCE 2023-6
 CALENDAR YEAR 2023
 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.A. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% 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 Township Committee of the Township of Franklin in the County of Warren finds it advisable and necessary to increase its CY 2023 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 Township Committee hereby determines that a 3.5% increase in the budget for said year, amounting to \$13,442.92 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the 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 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 2023 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 \$47,050.22 and that the CY 2023 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 Mike Ferri and seconded by Bonnie Butler the aforementioned **Ordinance 2023-6** be adopted as read. Final reading and adoption to take place on June 5, 2023, **at 7:00 p.m. or near that hour.**

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

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 May 1, 2023, 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 June 5, 2023 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

Denise L. Becton, Municipal Clerk

Introduced: May 1, 2023

Adopted: June 5, 2023

On motion by Bonnie Butler and seconded by David Guth by roll call to introduce the 2023 Municipal Budget as appended to these minutes.

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

OLD BUSINESS

Discussion

Open Space Clerk (Re-Organization of Commission) and Agricultural Advisory Committee – The Agricultural meeting will hold their meeting Monday, May 8th at 7pm and we still have no secretary. The Open Space Commission still working on a secretary, as well.

Introduction of: Ordinance 2023-4 - TABLED

First Reading/Introduction of Ordinance 2023-4 – Leaf Ordinance still a work in progress. Attorney Benbrook and Committeeperson Butler sat down to go over, and additional cleanup is needed, looking to introduce at our June 5th meeting.

Attorney Benbrook had Glen Gardner Borough provide us with a copy of their Newsletter and their contact information if we are interested in doing same.

Public Hearing: Ordinance 2023-5

**TOWNSHIP OF FRANKLIN
COUNTY OF WARREN
ORDINANCE NO. 2023-5**

**AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF THE CHARITABLE DONATION OF
BLOCK 1, LOT 4 FROM PRL WARREN LLC**

On motion by Rich Herzer and seconded by David Guth to open the Public Hearing.

No Public Comments

Close Public Comments on motion by Mike Ferri and seconded by Rich Herzer.

On motion by Bonnie Butler and seconded by Mike Ferri to close the Public Hearing.

On motion by Bonnie Butler and seconded by Rich Herzer the aforementioned **Ordinance 2023-5** be adopted as read.

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

REPORTS/UPDATES

Engineer – Millbrook Road Section I has been paved and the final total amount for black top was less than estimated. The money not used can be applied elsewhere. The MS4 Permit Tier A Grant Application was submitted for \$75,000, still waiting to hear if money awarded. The 1,4 Dioxane Project is moving ahead and on schedule. Committeeperson Butler inquired if any money has been reimbursed to us, to date no money has been received.

Attorney – Report submitted and on file. Attorney Benbrook informed that the In-REM Foreclosures are complete. On the Tigar property, the piece the Township does not own, a notice was received from the Bankruptcy Court to proceed with the foreclosure. The Personnel Policy amendments still working on with Committeeperson Butler should be ready to be amended by our June 5th meeting. The Interactions with Minor Policy is a requirement now in our Policy Manual as well as a background check. A person should be appointed. Eddy Patient our Community Center Coordinator would make the most sense to be the Point of Contact. A discussion of Audrey Lane, formerly known as New Street, public vs. a private street. After extensive research of our Engineer’s Office, it has been cleared that this lane is a public road. There is still confusion as to why all other streets around Audrey Lane are declared private. Tom Bianco Sr. and Jr. present this evening needing clarification of Audrey Lane as they are attempting to sell a piece of property, and this will affect the sale. It is the consensus of the committee to leave Audrey Lane as a public road. Franklin Street should also be public and will need to be further investigated. Attorney attended a tax appeal hearing with our Tax Assessor and it was affirmed without prejudice.

Open Space- No one present

Zoning Officer – Report submitted and on file. A discussion with our Animal Control Officer as to the number of feral cats being fed by residents. He would like to see the committee consider an ordinance used in other municipalities to deal with this issue. The committee’s consensus is not to entertain an ordinance currently.

Recycling Coordinator – no report filed.

Fire Department/EMS – Chief Brown informed that Fire was dispatched to 19 calls this month and EMS 38. Year to date 44 for Fire and 108 for EMS dispatched calls. A discussion as to daytime coverage for EMS is ongoing at this time while they seek out additional agencies. A concern as to “hard” vs. “soft” billing a patient. Hard billing would involve the patient/insurance company receiving the bill first and after not receiving payment in a matter of time then it would be sent to collections. Soft billing does not send you to collections if money is not received. Attorney Benbrook informed that they could also be billing for fire as well.

DPW- Joe Biel – Report submitted – Foreman inquired as to the striping on Millbrook Road, Engineer Finelli will look into this. Joe Sheridan is back and Ron Read and grass is being cut per Deputy Mayor Guth. Zoning Officer Onembo addressed grass/weed/shrub violations and who should be asked to do this, we should still use Taborelli to cut those lawns so the township would be billed direct and then a lien can be placed on those properties.

OEM/911 Coordinator – Deputy Guth informed that he spoke with OEM Tabert today the 2023 Grant has been submitted for EMAA. OEM attended three additional classes and a workshop next week, Deputy attending classes in two weeks. OEM is working on a temporary relief package.

FTYA- no representation

FTCC – no representation

Committee Reports:

Bonnie Butler – Committeeperson Butler informed that the Agricultural Advisory Board will meet on May 8th and will have two scheduled meetings a year. The holiday tree will work with Karen Chiu this month.

Rich Herzer – Committeeperson Herzer has been in contact with the Office of the Aging and other municipalities and will coordinate with Eddy Patient as to possibly setting up bingo on days when the center is not in use.

David Guth – Nothing further to report.

Mike Ferri – Nothing further to report.

Michael Toretta – Mayor questioned about the driveway at the United Methodist Church in Asbury. They are having problems with the WC Engineer’s Office getting an answer to regrade the driveway. Engineer Finelli will swing by and see what they need to rectify the condition of the driveway and advise. The clerk received a phone call from an interested party looking to take the old SUV from the recent property acquired aka Playmakers. As per the attorney there is no title and coordinate with the DPW to remove if they are still interested they can have it.

CFO – not present

Open Public Session: No comments heard.

At approximately 8:00 p.m. Mayor Toretta opened the floor to the Public. Unanimous vote. Hearing no public comment floor was closed at 8:00 p.m.

At this time, the committee will commence into an Executive Session on motion by Rich Herzer and seconded by David Guth at 8:00 p.m.

EXECUTIVE SESSION

BE IT RESOLVED on this 1st day of May 2023, 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.

**Professional Services – Municipal Engineer
Personnel – DPW Road Laborer 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 1st day of May 2023 by the Franklin Township Committee, that the matter stated will be discussed in executive session, said session to commence at approximately 8:00 p.m.

On Motion by Rich Herzer and seconded by David Guth to exit to executive session at 8:00 p.m. Unanimous Vote.

On motion by David Guth and seconded Mike Ferri to return to the regular session at 8:32 p.m. Unanimous Vote.

Attorney Benbrook summarized the executive session discussion. Interviews will be conducted for the Road Laborer position by Deputy Mayor Guth and Committeeperson Butler.

Municipal Engineer, Mike Finelli will be selling his business to Universal Technical Resource Services, Inc. We have been asked to execute the Consent to Assignment of Professional Services for Municipal Engineer.

On motion by Rich Herzer and seconded by Mike Ferri to authorize the mayor to execute the Consent to Assignment with the continuance of Mike Finelli as our principle engineer. If someone else is reassigned, we will revisit this agreement accordingly as our municipal engineer.

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

On motion by Mike Ferri seconded by Rich Herzer to terminate our Shared Services Agreement for Chief Financial Officer (CFO) giving our 60 Day Notice.

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 Bonnie Butler seconded by Rich Herzer to offer Judith Curran the Part-time CFO’s position subject to our 60 Day Notice to White Township terminating our Shared Services Agreement.

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 Bonnie Butler and seconded by David Guth to approve the bills to be paid per CFO's bill list submitted.

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 Bonnie Butler and seconded by Mike Ferri, hearing no objection, meeting stands adjourned at 8:36 p.m.

Respectfully submitted,

Denise L. Becton

Denise L. Becton, RMC/CMR
Municipal Clerk