

# REGULAR MONTHLY MEETING

The Franklin Township Committee held their regular scheduled monthly meeting on Monday, May 6, 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, (0) Absent

**Present were:** John Mooney, Municipal Auditor, Margaret Pasqua, CFO, Jim Onembo, Zoning Officer, Joe Biel, DPW Foreman, Shawna Tabert, OEM, Mike Finelli, Municipal Engineer, Kevin Benbrook, Municipal Attorney, Denise L. Becton, Municipal Clerk

**Resolution to Amend Introduced Budget – Resolution 2024-43 (READ ONLY NO VOTE)**

## RESOLUTION TO AMEND INTRODUCED BUDGET RESOLUTION 2024-43

**WHEREAS**, the local budget for the year 2024 was approved on the 8<sup>th</sup> day of April, 2024;

**WHEREAS**, the public hearing on said budget has been held as advertised; and

**WHEREAS**, it is desired to amend said approved budget; and will have a Public Hearing/Adoption at a Special Meeting to be held on Monday, May 20<sup>th</sup>, 2024, at the hour of 4:00 p.m.; and will be advertised, Thursday, May 9<sup>th</sup>, 2024 in the Express Times-NJ Zone and the Star Ledger; and

**NOW, THEREFORE BE IT RESOLVED**, by the governing body of the Township of Franklin of the County of Warren that the following amendments to the approved budget of 2024 made:

	From	To
REVENUE		
1. Surplus Anticipated	820,000.00	801,448.00
7. Total General Revenue	3,242,597.98	3,224,045.98
APPROPRIATIONS		
Deferred Charges		
Special Emergency Authorizations – 5 Years	18,552.00	0.00
(D) Municipal Debt Service Excluded from “CAPS”		
Payment of Bond Anticipation Notes		215,328.00
Total Municipal Debt Service Excluded from “CAPS”	715,413.00	362,769.19
	862,854.19	
(E) Deferred Charges – Municipal – Excluded from “CAPS”		
BAN Principal on Emergency Notes		500,085.00
	0.00	
Total Deferred Charges – Municipal – Excluded from “CAPS”		500,085.00
	0.00	
H-2 Total General Appropriations for Municipal Purposes Excluded from CAPS	1,073,988.55	1,055,436.55
TOTAL GENERAL APPROPRIATIONS	3,242,597.98	3,224,045.98

**2024 MUNICIPAL BUDGET Public Hearing**

**-Motion to open Public Hearing**

On motion by Committeeperson Butler seconded by Committeeperson Toretta, Unanimous vote.

**-Public Comments** – none heard

**-Motion to CLOSE Public Hearing (ADOPTION ON 5/20/24)**

On motion by Committeeperson Toretta seconded by Committeeperson Herzer, Unanimous vote.

**CONSENT AGENDA:**

**(One Roll Call to approve the following agenda items 4-5)**

**4. APPROVAL OF**

- a. Re-Org Meeting **RE: April 1, 2024**
- b. Executive Meeting **RE: April 1, 2024**
- c. Workshop Meeting **RE: April 8, 2024**
- d. Musconetcong Watershed **RE: Clean Communities Grant funding**

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

- a. Res. 2024-41 **RE: A RESOLUTION IN SUPPORT OF SENATE NO. 725**

**CONCERNING UNLAWFUL OCCUPANCY OF DWELLINGS AND SUPPLEMENTING TITLE 2C OF THE NEW JERSEY STATUTES OF THE STATE OF NEW JERSEY**

- b. Res. 2024-44 **RE: Tax Collector’s Refund – Duplicate Payment, Block 47 Lot 4.03**

On motion by Committeeperson Butler and seconded by Committeeperson Toretta, as listed above in item number 4.

Approval of (minutes and grant) were approved on the Consent Agenda.

<b>Roll Call Vote</b>	<b>Yes</b>	<b>No</b>	<b>Absent/Abstained</b>
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/PROCLAMATION-**

**INTRODUCTION/ADOPTION of: Resolution 2024-41**

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

**RESOLUTION #2024-41**

**A RESOLUTION IN SUPPORT OF SENATE NO. 725 CONCERNING UNLAWFUL OCCUPANCY OF DWELLINGS AND SUPPLEMENTING TITLE 2C OF THE NEW JERSEY STATUTES OF THE STATE OF NEW JERSEY**

**WHEREAS**, the occupancy of a dwelling without the permission of the property owner, also known as "squatting" is an increasing occurrence throughout the State of New Jersey and the Country; and

**WHEREAS**, persons engaging in squatting often do so with the express intention of depriving the lawful property owners of the use and possession of their own property for as long as possible, with the express knowledge that squatting is not a criminal offense, thus requiring a property owner to undertake expensive, time-consuming civil litigation to recover their property, which said litigation can be subject to delay tactics including, but not limited to, bankruptcy applications, resulting in squatters successfully depriving lawful owners of the use and benefit of their own property for extended periods of time; and

**WHEREAS**, Senators Steinhardt, Testa and Polistina have introduced and are sponsoring Senate No. 725, which said legislation would establish squatting in various contexts as criminal offenses and crimes of the fourth degree, thus permitting property owners to avail themselves of filing criminal complaints with local law enforcement that can be duly investigated, and, when appropriate, permit police officers to arrest and remove persons found to be engaged in said criminal squatting activities.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee that it hereby adopts this Resolution to memorialize its support for Senate No. 725 and certified copies of this Resolution shall be forwarded by the Township Clerk/Administrator to the Office of the Governor and Lieutenant Governor, the Township's elected Representatives in the State Legislature, and the New Jersey League of Municipalities.

**Resolution #2024-44  
TOWNSHIP OF FRANKLIN, WARREN COUNTY  
REFUND TAX OVERPAYMENT**

**WHEREAS**, an overpayment payment for Block 47, Lot 4.03, commonly known as 76 MOUNTAIN VIEW ROAD has occurred, and

**WHEREAS**, a duplicate payment was made; and

**WHEREAS**, proof of duplicate payment has been supplied to the Tax Collector.

**NOW, THEREFORE, BE IT RESOLVED**, on the 6<sup>th</sup> day of MAY 2024, by the Township Committee of the Township of Franklin, Warren County, State of New Jersey, as follows:

1. The Chief Financial Officer shall issue a check in the amount of \$6,532.76 payable to VIOLET MILLER, 76 MOUNTAIN VIEW ROAD ASBURY, NJ 08802.
2. That this resolution shall take effect immediately upon adoption.

On motion by Committeeperson Herzer and seconded by Committeeperson Payne, as listed above in item number 5. Approval of (resolutions) were approved on the Consent Agenda.

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

**NEW BUSINESS**

**Memorandum of Understanding (MOU)/Redevelopment Plan/Revised Subdivision Plan – WC Habitat for Humanity**

Attorney Benbrook overviewed the project of three duplexes and three septic tanks that will help to satisfy our obligations for affordable housing. This project will not work for a PILOT program due to the size, however, it will put six ratable tax bills on the rolls. Parking is still a concern with only two parking spaces provided for each unit. This will have to be coordinated with our municipal engineer.

**RESOLUTION NO. 2024-45  
FRANKLIN TOWNSHIP  
WARREN COUNTY, NEW JERSEY**

**A RESOLUTION TO SUPPORT THE APPLICATION OF WARREN COUNTY HABITAT FOR HUMANITY FOR FUNDING FOR A SIX-UNIT AFFORDABLE HOUSING PROJECT IN THE TOWNSHIP OF FRANKLIN**

**BE IT RESOLVED**, that the Township of Franklin supports an application by Warren County Habitat for Humanity ("Habitat") to the New Jersey Department of Community Affairs, New Jersey Affordable Housing Trust Fund Program for funds in an amount not to exceed the maximum amount allowed in accordance with N.J.A.C. 5:43-1.1 for the purpose of advancing the development of six (6) units of low/moderate affordable housing, in accordance with a Memorandum of Understanding between the Township and Habitat dated May 6, 2024.

**BE IT FURTHER RESOLVED**, that Habitat be and hereby is authorized to contract directly with the Department of Community Affairs, as permitted pursuant to N.J.A.C. 5:43-1.3(a).

**BE IT FURTHER RESOLVED**, that the Mayor and Township Committee have determined that the proposed six (6) unit housing project will advance the satisfaction of the Township's affordable housing obligation, as reflected in a Settlement Agreement dated October 2, 2017 between Fair Share Housing Center and the Township, which said settlement was approved by the Honorable Thomas C. Miller, P.J.Cv. by order dated January 3, 2018, Docket No. WRN-L-224-15.

On motion by Committeeperson Bonnie Butler and seconded by Committeeperson Sarah Payne the aforementioned **Resolution 2024-45** 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	
Sarah Payne	X			
Mike Toretta	X			
David Guth, Mayor	X	(4)Yes (0) No	(0) Absent (1) Abstained	motion carried

**Proposal from Primepoint - Payroll Processing Company**

CFO Pasqua advised the only out of pocket cost would be for transfer of historic data and training. All other costs will be reimbursed by the bank. The cost for this company is comparable to our present payroll company.

On motion by Committeeperson Toretta and seconded by Committeeperson Butler accepting the Primepoint Payroll Processing Proposal.

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

**Auction Sale of Block 1 Lot 4 - Bids Received – Approval /Execution of by Mayor-Contract of Sale**  
 There were 3 separate bidders with a high bid of \$160,000. A lot of concern that the lot is located in the Highlands.

On motion by Committeeperson Herzer and seconded by Committeeperson Toretta accepting the bid of \$160,000.

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

**REPORTS/UPDATES**

**Engineer –**

**Millbrook Road** – it is the first day of construction of the Stormwater Replacement Project. As to the FEMA Restoration Project the Invitation to Bid will be advertised this week and the bid opening is scheduled for May 29<sup>th</sup>. We should be able to award the contract at our June 3<sup>rd</sup> township meeting. Mr. Finelli spoke with Hillary Trotman inquiring about an extension before the project starts just for comfort if needed. The completion target date is still the end of July.

On motion by Committeeperson Herzer and seconded by Committeeperson Payne authorizing the engineer to go out to BID Friday, May 10th.

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

**The Dioxane project** – We are still waiting on two agency approvals, one from the railroad the other from the county then we can go out to bid.

**2024 NJDOT Grant** – Good Springs/Willow Grove Road, we are not able to move forward with this project. However, the 2025 NJDOT Grant just came out and is due July 1<sup>st</sup>. We can re-apply for the same roads asking for additional monies. The engineer will coordinate with the DPW Foreman.

**Attorney** – Will take care of the documents to close on the property just auctioned off.

### **Committee Reports:**

**Bonnie Butler** – A neighbor of hers received one of the auditor letters and seems to be confusing those that receive. Mayor Guth informed that this letter is for polling purposes and not to cause alarm and apologizes for the problems incurred and the non-representation in the tax office.

**Sarah Payne** – The MWA is embarking on a project to vitalize the Village of Asbury and if we don't may be left back in time. This would encompass traffic control, rezoning for homes and businesses to name a few. The concept that was outlined in their presentation is to embarks on a survey before they go any further to the residents. Funding is a concern as well as other things.

**Michael Toretta** – Would like to hire Ron Read for roadside mowing. Further discussion to ensue in executive session. A reminder that he is only allowed to work up to 25 hours due to our pension system.

**Rich Herzer** – Nothing further to report.

**David Guth** - Nothing further to report.

**Open Space/Agricultural Advisory Commissions** – nothing further to report.

**Zoning Officer** – Report submitted and on file.

**Franklin Twp. Fire/EMS** – Crissy Brown reported that there were 93 Ems calls and 34 fire calls. The first annual car show was a success, thanks to Jason Banghart, OK 4WD, Dave Leary, and Broadway Auto. Two members in EMT class, hopeful to get them up and ready to go. Attorney Benbrook had a discussion with the chief, current insurance carrier will be non-renewed due to loss experience making them difficult to insure. They have been in contact with our insurance representative, Ahart, Frinzi & Smith as well as another broker looking into all different options to obtain proper coverage.

**DPW** – Report submitted and on file – The contractor for the brush pile still has not shown up and the pile continues to get larger. We may have to go with the second contractor, that was \$1000 more. Consensus would be to go with the other contractor since this one is not showing up and honor their quote as submitted.

Committeeperson Butler advised that per our CFO the American Rescue Funds must be used by the end of this year. \$70,000 has been put to the side for improvements to be made at the road garage; salt shed and maintenance of the building, the rest of the funds put towards oil/chip of township roads.

**Recycling Coordinator** – No report submitted.

**OEM/911 Coordinator** – OEM Tabert – Working currently with weekly FEMA stuff. Moving forward with Montana Road and the six other roads damaged by the storm. The Category B emergency dig northside of Rt. 57

and Pohatcong Creek which was flowing back into the town of Broadway. Checking boxes to get our reimbursement under way. Per Mayor Guth, the township property that Mr. Truskowski currently farms, where solar lines go through, manhole covers bubbling up with water. Mayor spoke with Attorney Bellin whatever damage caused due to storm and should not have damaged or bearing on anything underground that he believes. Mayor will follow up with him tomorrow. Next phase, southern portion, may get approved for something but doesn't look that way at this time even with an appeal. Congratulations to Ms. Tabert on obtaining your Nursing Degree.

**FTYA-** no representation present.

At approximately 8:02 p.m. Mayor Guth opened the floor to the Public.

Cathy Montgomery – residing in the first home on Stewartville Road, would like to coordinate with Habitat as to any buffering/privacy they might be proposing that borders her property.

Ron Hickey/Cristiana Pinto – Residing on Olde Street since July storm demographics of the water have changed. They are taking in a lot more water in their basements and pumping continuously. Mayor informed this has nothing to do with Millbrook Road as the river has been rectified to its normal flow. This is Mother Nature and a rise in the groundwater tables. Zoning Officer Onembo advised that the area has always had water problems and pumping out of basements.

Marsha Colaluce – Prior to the demo of the old Hunters building is in such a bad/dangerous condition and fully dilapidated and cannot allow anyone in this structure. Looking for any historic keepsake to be used as a monument to preserve. There is no historic significance. Victaulic owns the Thomas Edison piece Franklin Township owns the contaminated piece. Also, liter on our roads is so bad, the Cub Scout Pack #56 Pohatcong/Greenwich/Alpha collected 15 bags of litter from Rt. 57-Good Springs Road. Do Not Liter signs on Edison Road, the mayor informed this is a county road will have to bring up to the county and Mr. Onembo as our Code Enforcement Official can issue summonses on his end.

Karen Chiu – Do we have any money for cleaning roads. Committeeperson informed that there is money available through our Clean Communities Grant for volunteer groups to clean our roads.

Open public session closed by Mayor Guth at 8:24 p.m.

On motion by Committeeperson Payne seconded by Committeeperson Butler to commence into Executive Session at the hour of 8:24 p.m.

## **EXECUTIVE SESSION**

**BE IT RESOLVED** on this 6th day of May 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.

### **Personnel – Amendment of Personnel/Policies Manual/Tax Collector's Office/ P-Time Seasonal Hires**

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 6th day of May 2024 by the Franklin Township Committee, that the matter stated will be discussed in executive session, said session to commence at approximately 8:30 p.m.

On motion by Committeeperson Payne and seconded by Committeeperson Butler to exit to executive session at 8:30 p.m. Unanimous Vote.

On motion by Committeeperson Butler and seconded by Committeeperson Herzer to return to the regular session at 9:05 p.m. Unanimous Vote.

On motion by Committeeperson Butler and seconded by Committeeperson Herzer to approve Sandy Callery for the Tax Collector's position at a salary of \$26,500 effective 5/7/2024 \$40/hr. for backlog work, hours TBD.

<b>Roll Call Vote</b>	<b>Yes</b>	<b>No</b>	<b>Absent/Abstain</b>
Bonnie Butler	X		
Rich Herzer	X		
Sarah Payne	X		
Mike Toretta	X		
David Guth, Mayor	X	(4) Yes (0) No (1) Absent	motion carried

On motion by Committeeperson Butler and seconded by Committeeperson Herzer to approve Ron Read, P-Time Seasonal Roadside mowing, \$30/hr., 25 hours/week not to exceed effective 5/7-9/30/2024.

<b>Roll Call Vote</b>	<b>Yes</b>	<b>No</b>	<b>Absent/Abstain</b>
Bonnie Butler	X		
Rich Herzer	X		
Sarah Payne	X		
Mike Toretta	X		
David Guth, Mayor	X	(4) Yes (0) No (1) Absent	motion carried

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

<b>Roll Call Vote</b>	<b>Yes</b>	<b>No</b>	<b>Absent/Abstain</b>
Bonnie Butler	X		
Rich Herzer	X		
Sarah Payne	X		
Mike Toretta	X		
David Guth, Mayor	X	(4) Yes (0) No (1) Absent	motion carried

On motion by Committeeperson Toretta and seconded by Committeeperson Herzer, hearing no objection, meeting stands adjourned at 9:15 p.m.

Respectfully submitted,

*Denise L. Becton*

Denise L. Becton, RMC/CMR  
Municipal Clerk