

REGULAR MONTHLY MEETING

The Franklin Township Committee held their regular scheduled monthly meeting on Monday, March 4, 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)Yes, (0) No, (0) Absent.

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

CONSENT AGENDA:

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

2. **APPROVAL OF**
 - a. Re-Org Meeting **RE: February 5, 2024**
 - b. Executive Meeting **RE: February 5, 2024**
 - c. Temporary Balloonsport **RE: Mayoral execution of letter to Warren County Community College April 1, 2024-November 30, 2024**
3. **RESOLUTIONS – FIRST READING/ADOPTION**
 - a. Res. 2024-30 **RE: March Transfers**
 - b. Res. 2024-31 **RE: Part-Time 2024 DPW Snowplow Drivers**

On motion by Bonnie Butler and seconded by Rich Herzer the above listed approvals/resolutions on the Consent Agenda were approved. ***Let the record reflect Ms. Payne abstained from Consent Agenda Items #2 only.**

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-First Reading/Adoption

INTRODUCTION/ADOPTION of:

RESOLUTION 2024-30 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 2023 balances in the Current Fund Budget. Includes Revenue Administration O/E.

WHEREAS, the following accounts have sufficient excess funds to meet such demands:
Legal 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:	Revenue Administration O/E	5,200.00
FROM:	Legal O/E	5,200.00

The within **Resolution 2024-30** was moved by Committeeperson Rich Herzer and seconded by Committeeperson Mike Toretta and upon roll call vote was passed.

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

Dated: March 4, 2024

CERTIFICATION

I hereby certify the foregoing to be a true and correct copy of a resolution duly adopted by the Township Committee of the Township of Franklin, In the County of Warren, New Jersey, at a meeting held on March 4, 2024.

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

Denise L. Becton

Denise L. Becton, Municipal Clerk

RESOLUTION 2024-31

WHEREAS, the Franklin Township Committee has deemed it necessary to hire the following as Part-Time Snowplow Drivers for the Department of Public Workers of the Township of Franklin for the year **2024**, as follows.

Non-CDL Drivers @ \$25/hr. Tim Smith and Joe Biel, Jr. and;

CDL Drivers @ \$30/hr. Michael Biel, Jon Nelson, Ryan Nelson.

The within **Resolution 2024-31** was moved by Committeeperson Rich Herzer and seconded by Committeeperson Mike Toretta and upon roll call vote was passed.

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

Dated: March 4, 2024

Certification

I, Denise L. Becton, Municipal Clerk of the Township of Franklin, do hereby certify that the foregoing resolution is a true and exact copy adopted by the Township Committee of the Township of Franklin on March 4, 2024.

Denise L. Becton

Denise L. Becton, RMC/CMR
Municipal Clerk

NEW BUSINESS

Ordinances (First Reading/Introduction of)

ORDINANCE 2024-2

CALENDAR YEAR 2024

**MODEL 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 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 2024 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 \$ 13,851.28 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 2024 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 \$ 48,479.48, and that the CY 2024 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.

PUBLIC NOTICE

PLEASE TAKE NOTICE that the foregoing Ordinance was introduced and passed on first reading on the 4th day of March 2024, at a meeting of the Township Committee of the Township of Franklin and will be taken up for final consideration and passage at a regularly scheduled meeting of the Mayor and Township Committee of the Township of Franklin to be held on the 1st day of April 2024, at the Municipal Building, 2093 Route 57, Broadway, New Jersey.

Denise L. Becton

Denise L. Becton, Clerk

Introduced: March 4, 2024

Adopted: April 1, 2024

On motion by Bonnie Butler and seconded by Mike Toretta the aforementioned **Ordinance 2024-2** be adopted as read. Final reading and adoption to take place on April 1, 2024, **at or near the hour of 7:00 p.m.**

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

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 4, 2024. Second reading, public hearing will be held on April 1, 2024, at or near 7:00 PM in the Franklin Township Municipal Building, 2093 Rt. 57, Broadway, New Jersey.

Denise L. Becton

Denise L. Becton, Municipal Clerk

Discussions/Approvals/Presentations

Approval/Execution of - Max Spann Professional Services Agreement (B1 L4 – 2636 Route 57 Donated Land) –

On motion by Bonnie Butler and seconded by Sarah Payne authorizing Mayor Guth to execute the agreement with Max Spann accordingly to hold public auction at our April meeting.

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

Concept Plan- Nevitt Duvneck, Habitat for Humanity, 2537 Rt. 57 –

Nevitt Duvneck, present this evening, continued discussion of the concept plan formally presented in the previous month. The number of affordable housing units as well as compatibility of septic size were addressed. Duvneck informed the duplex project is going under a HUD contract and must be complete in 3 years and the application submission must be in by June. Our attorney informed us that our Affordable Housing funds will pay for our engineer work.

On motion by Bonnie Butler and seconded by Rich Herzer authorizing Municipal Engineer Finelli to coordinate with Nevitt Duvneck to keep moving forward with septic design, maps, soil logs, etc.

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

OLD BUSINESS

Attorney Benbrook informed Letters of Intent have been received on three lots contracts have been drafted and coordination of advertising with the clerk. A minimum bid auction will commence at our April meeting.

2185 Rt. 57 Block 17 Lot 12 - potential value \$20,000, offer \$10,000, lot is buildable due to the foundation left on this lot if use of the same footprint per engineer.

Reservior Road Block 1 Lot 11 – potential value of \$10,000, offer \$2500

72 Montana Road Block 8 Lot 10 - potential value of \$10,000, offer \$7,000

REPORTS/UPDATES

Engineer – Engineer Finelli touched base on the earlier discussion of the 2024 NJDOT Grant for Good Springs and Willow Grove Roads. Committeeperson Butler requested a comparison chart outlining how to cut back this project due to the shortfall of funds received. The Millbrook Road DOT grant for the pipe crossing, soon to go out to bid. Millbrook Road FEMA restoration project, completion deadline July 25th. The Dioxanne project will be going out to bid relatively soon, estimated a June start date.

Attorney – Attorney Benbrook updated committee as to the Tigar property and the outcome to the Show Cause Order. The judge is being firm as to the cleanup of the property, removal of tires/trailers on site and must file a written report as to items within the next 30 days. A discussion as to possible use for this property solar or Brownfields. Attorney to coordinate with the engineer.

Committee Reports:

Bonnie Butler – Sanico bill has been pulled from the bills list, question as to what this is for. Attendance at the Asbury Mill dinner at the end of the month. They plan to have space in the mill open for public functions this fall.

Michael Toretta – Fuel at the DPW garage, Morris County Co-Op vs. a private vendor needs to be evaluated and what works best for the township. Foreman Biel obtained two quotes to grind brush. One quote from APM Tree Service, LLC for \$8,530 the other from Gray’s Recycling, Inc. for \$9,000.

On motion by Bonnie Butler and seconded by Rich Herzer approving APM Tree Service quote of \$8,530.00.

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

Rich Herzer – Nothing further to report.

David Guth - Nothing further to report.

Open Space- No representation

Zoning Officer- Jim Onembo present - Report submitted and on file. Mr. Onembo requested direction as to a recent site visit at 253 Good Springs Road. An apparent water issue has been created by the homeowner of this property, redirecting water down the driveway pooling at the intersection of Willow Grove and Good Springs Road. Below freezing creates hazardous conditions/icing. Attorney Benbrook will send a letter on behalf of the township informing this homeowner that this matter must be rectified immediately. Mercantile licensing is in the process of wrapping up for 2024. Attorney Benbrook will work on updating our ordinance to update the \$50 annual fees as well as the \$10 late fee for introduction at our April meeting.

Recycling Coordinator – No report submitted.

Fire Department/EMS – Chief Brown had no formal report however her addressed the recent windstorm. Asbury-Bloomsbury Road was closed due to down live wires between Butler and Lime Kiln roads. A sizeable tree fell on power lines draping across Montana road, closed as well. March 11th use of the back parking lot for ladder testing will coordinate Eddy Patient.

DPW- Joe Biel – Report submitted and on file.

OEM/911 Coordinator – Report submitted and on file – DOEM Guth touched base to a few items, the Emergency Operations Plan must now be updated every two years. The EMAA grant is being worked on.

FTYA- no representation present

At approximately 8:18 p.m. Mayor Guth opened the floor to the Public. Unanimous vote.

Karen Chiu – April 27th the fire department will host a car show and vendor fair fundraiser behind their Asbury fire station,

Basil Imbimbo – Is Kitchen Road on the list for tar/chip this year? Mayor Guth informed that due to budget constraints, Foreman Biel will prioritize roads of importance. A drainage issue due and a pipe overflowing near the Jellife property is creating washing out on the lower side of the road due to recent severe rain. Dead ash trees who is responsible? Owner of the property that it's on.

Janis Liepins – Concern as to speeding on Asbury-Broadway Road and flooding from the creek across from the squad building. Mayor Guth informed that earlier discussion informed that flood waters are being addressed with the USDA and speeding on this road is a county road. Mayor Guth will address his concern with NJSP as selective enforcement is needed.

Jackie Rochelle – Speeding is an issue as well on Bloomsbury Road. Mayor will address with NJSP.

Unknown resident – Concern as to the timeline and the completion of Millbrook Road and when we will go out to bid. The engineer will recommend an award of contract at the next township meeting.

Dave Leary – Willow Grove Road also a concern with speeding. There is activity in the field coming into Greenwich, engineer advised this is Comcast working on providing coverage in neighboring Greenwich Township. The water issue at the intersection of Willow Grove/Good Springs Road is a definite hazard when temperatures go below freezing. Activity in the field adjacent to his business on Route 57 is due to an upcoming bridge reconstruction project over Millbrook Road.

Open public session closed by Mayor Guth at 8:44 p.m.

On motion by Committeeperson Butler seconded by Committeeperson Payne to commence into Executive Session at the hour of 8:44 p.m.

EXECUTIVE SESSION

BE IT RESOLVED on this 4th day of March 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

Contract Negotiations – Shared Court-White Township Personnel – Tax Department

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 4th day of March 2024 by the Franklin Township Committee, that the matter stated will be discussed in executive session, said session to commence at approximately 8:44 p.m.

On motion by Committeeperson Butler and seconded by Committeeperson Payne to exit to executive session at 8:44 p.m. Unanimous Vote.

On motion by Committeeperson Herzer and seconded by Committeeperson Payne to return to the regular session at 9:12 p.m. Unanimous Vote.

Attorney Benbrook summarized the executive session discussions pertaining to the terminated Shared Service Agreement with White Township, CFO services, and the operation of the tax collection department.

On motion by Mayor Guth and seconded by Committeeperson Payne to split the modest amount of approximately \$2,200 that is unpaid for CFO contract services with White Township, approximately \$1,100 will be paid to White Township.

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

The operations of the Tax Collector’s office is not working as the collector is not present. Attorney will RICE Notice the collector for our April meeting and steps to explore other options.

On motion by Committeeperson Butler and seconded by Committeeperson Herzer to approve the bills 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 Butler and seconded by Committeeperson Toretta, hearing no objection, meeting stands adjourned at 9:16 p.m.

Respectfully submitted,

Denise L. Becton

Denise L. Becton, RMC/CMR
Municipal Clerk