

**Township of Franklin  
Township Committee Meeting Minutes  
February 23, 2021**

**Call to Order:**

Time: 7:30 PM

Mr. Doyle: Absent

Mrs. Flaim: Present

Mr. Deegan: Present

Mayor Bruno: Present

Mrs. Petsch-Wilson: Present

**Open Public Meetings Act Statement:**

Pursuant to the Open Public Meetings Act, adequate notice of this meeting was forwarded to the official Township newspapers, posted on the bulletin board and Township Website on January 8, 2021. This meeting is being videotaped and will be on Channel 9.

**First Public Portion:**

Motion to Open: Deegan

Second: Petsch-Wilson

Leah Vassallo, asked about O-2-21 and said she thinks that there are three separate ordinances. She discussed the applications and when they were submitted. Mr. Lyons discussed the third application possibly being separated out. She also asked about deadlines. Mr. Lyons discussed the deadlines. Ms. Vassallo again discussed the submission.

Mr. Harry Kennedy, said that one abatement was filed correctly based on the law that the person believed to be true. The other two are dissimilar. He claims that one was filed after the building permit was issued.

Renee Pistilli Leopardi asked about the SLEO and SRO appointments. Mr. Salvatore said that they should have been reappointed after a year on the job.

Motion to Close: Deegan

Second: Petsch-Wilson

All in Favor: Unanimous

**Motion to Approve Correspondence and Reports**

Motion: Deegan

Second: Petsch-Wilson

All in Favor: Unanimous

**Motion to Approve Minutes February 9, 2021**

Motion: Deegan

Second: Petsch-Wilson

Roll Call:

All In Favor: Unanimous

**Motion to Approve Bill List**

Motion: Deegan

Second: Petsch-Wilson

Roll Call:

All In Favor: Unanimous

**Motion to Approve Licenses: Food Handling**

Motion: Deegan

Second: Petsch-Wilson

Roll Call:

All in Favor: Unanimous

**Motion R-35-21 Reappointing Austin D. Theuret as a Class II Special Officer for the Township of Franklin Police Department**

Motion: Deegan

Second: Petsch-Wilson

Roll Call:

Mr. Doyle: Absent

Mrs. Flaim: Yes

Mr. Deegan: Yes

Mayor Bruno: Yes

Mrs. Petsch-Wilson: Yes

**Motion R-36-21 Reappointing Vincent Driver as a Class III Special Officer for the Township of Franklin Police Department**

Motion: Deegan

Second: Petsch-Wilson

Roll Call:

Mr. Doyle: Absent  
 Mr. Deegan: Yes  
 Mrs. Petsch-Wilson: Yes

Mrs. Flaim: Yes  
 Mayor Bruno: Yes

**Motion R-37-21 Reappointing Larry Holdcraft as a Class III Special Officer for the Township of Franklin Police Department**

Motion: Deegan  
 Roll Call:  
 Mr. Doyle: Absent  
 Mr. Deegan: Yes  
 Mrs. Petsch-Wilson: Yes

Second: Petsch-Wilson  
 Mrs. Flaim: Yes  
 Mayor Bruno: Yes

**Motion R-38-21 Reappointing Richard Miraglia as a Class III Special Officer for the Township of Franklin Police Department**

Motion: Deegan  
 Roll Call:  
 Mr. Doyle: Absent  
 Mr. Deegan: Yes  
 Mrs. Petsch-Wilson: Yes

Second: Petsch-Wilson  
 Mrs. Flaim: Yes  
 Mayor Bruno: Yes

**Motion R-39-21 Authorizing the Tax Collector and Chief Financial Officer to Grant Tax Exemption for a Totally Disabled Veteran**

Motion: Deegan  
 Roll Call:  
 Mr. Doyle: Absent  
 Mr. Deegan: Yes  
 Mrs. Petsch-Wilson: Yes

Second: Petsch-Wilson  
 Mrs. Flaim: Yes  
 Mayor Bruno: Yes

**Motion R-40-21 Authorizing the Mayor or his Designee to Sign the Statement of Consent for the DEP Regarding Malaga Diner**

Motion: Deegan  
 Roll Call:  
 Mr. Doyle: Absent  
 Mr. Deegan: Yes  
 Mrs. Petsch-Wilson: Yes

Second: Petsch-Wilson  
 Mrs. Flaim: Yes  
 Mayor Bruno: Yes

**Motion R-41-21 Authorizing the Tax Collector and Chief Financial Officer to Grant Tax Exemption for a Totally Disabled Veteran**

Motion: Deegan  
 Roll Call:  
 Mr. Doyle: Absent  
 Mr. Deegan: Yes  
 Mrs. Petsch-Wilson: Yes

Second: Petsch-Wilson  
 Mrs. Flaim: Yes  
 Mayor Bruno: Yes

**Motion R-42-21 Granting Encroachment into the Township right of Way**

Motion: Deegan  
 Roll Call:  
 Mr. Doyle: Absent  
 Mr. Deegan: Yes  
 Mrs. Petsch-Wilson: Yes

Second: Petsch-Wilson  
 Mrs. Flaim: Yes  
 Mayor Bruno: Yes

**Motion to Introduce O-4-21 Releasing, Extinguishing, and Vacating the Rights of the Public in a Portion of Paper Streets**

Motion: Petsch-Wilson  
 All in Favor: Unanimous

Second: Deegan

**Motion to Open Public Hearing on O-1-21 Stormwater Control**

Motion: Petsch-Wilson  
 All in Favor: Unanimous

Second: Deegan

**No One came forward.**

**Motion to Close Public Hearing on O-1-21**

Motion: Petsch-Wilson  
 All in Favor: Unanimous

Second: Deegan

**Motion to Adopt O-1-21 Stormwater Control**

Motion: Deegan Second: Petsch-Wilson  
Roll Call:  
Mr. Doyle: Absent Mrs. Flaim: Yes  
Mr. Deegan: Yes Mayor Bruno: Yes  
Mrs. Petsch-Wilson: Yes

**Motion to Open Public Hearing on O-2-21 Ratifying Approvals for the Tax Exemption and Abatement Applications Pursuant to NJSA 40A:21-1 et. Seq.**

**Motion: Deegan: Second Petsch-Wilson**  
**All in Favor: Unanimous**

**Mr. Bruno said that he would like a motion to sever the McDowell portion of O-2-21 entitled Ratifying Approvals for the Tax Exemption and Abatement Applications Pursuant to NJSA 40A:21-1 et Seq.**

**Motion: Deegan Second: Petsch-Wilson**  
**Deegan: Yes Flaim: No**  
**Petsch-Wilson: Yes Bruno: Yes**  
**Motion Petsch-Wilson**

**Motion by Flaim to Separate all Tax Abatements Out Individually**  
**No Second. Motion Fails**

Mr. Harry Kennedy said Tim Doyle was given a tax abatement after the building was built. He claims the township does not have the right to do this.

Leah Vassallo said that things were done incorrectly in 2016 when these tax abatements were done. She said there was a lot of things going on at the time. She said that the previous action was a mistake. Mayor Bruno said that she was one of the people who made the decision to approve Mr. Starr and Mr. Doyle's application for Tax Abatement and how do you want the Township committee to go back and change it now?

Ms. Renee Leopardi said that Nancy Brent and Leah Vassallo are attorney's and that as attorney's they should have known. She didn't think that someone should be punished because of the mistakes of the 2016 Township Committee. Mr. Doyle wasn't on township committee at the time of the tax abatement approvals.

Nancy Kennedy Brent, said that Mr. Kennedy he didn't receive the documents and she thinks more time is needed.

Jason Brandt, Rosemont Avenue, asked about liability and exposure to the Township. Mr. Lyons said it is in his opinion that not ratifying the tax abatement would open the township to liability based on established legal precedent.

Nancy Kennedy Brent asked Mr. Lyons about his advice.

Heather Flaim asked if she votes yes will she be saying the tax abatement was done accurately? She asked if EDC should look at it again. Mr. Lyons said it can't be done again based on previous actions of the prior Township Committee. People have a right to rely on actions that are taken by the Government. The government is boxed in on their right to undo it. She asked what square corners means. Mr. Lyons said that what the government says today can't be changed tomorrow. If the government makes the mistake the action can't be changed due to the detriment of the resident.

Mr. Lyons stated it is the cities job to bill the taxpayer. Failure of the municipality is not the fault of the taxpayer. NJ tax court already dealt with a late filing. Mr. Lyons referred to the Millville case, and said that even though the governing body didn't know about an action they couldn't undo it two years into the timeline. He quoted cases that were similar to these two tax abatements.

Mayor Bruno said he is being made to right a wrong that this Township Committee did not do. The 2016 Committee approved this. He understands that some people have a different opinion. He read who was at the meetings, and who voted on them, and he doesn't have a problem approving this ordinance.

**Motion to Close Public Hearing on O-2-21**

Motion: Deegan Second: Petsch-Wilson  
All in Favor: Unanimous

**Motion to Adopt O-2-21 Ratifying Approvals for the Tax Exemption and Abatement Applications Pursuant to NJSA 40A:21-1 et. Seq.**

Motion: Deegan Second: Petsch-Wilson

Roll Call:

Mr. Doyle: Absent

Mrs. Flaim: Abstain

Mr. Deegan: Yes

Mayor Bruno: Yes

Mrs. Petsch-Wilson: Yes

Motion to Open Second Public Portion: Petsch-Wilson Second: Deegan

All in favor: Unanimous

Mr. Kennedy disagrees with the decision. Mr. Kennedy made comments about Mr. McDowell. He said the tax abatement committee should look at the application.

Fred Plaskett, asked about the property tax rebates books. Ms. Freijomil told him to put it in the drop box and they will be returned. Mr. Plaskett said that Heather Flaim and Tim Doyle were elected and they are elected to do a job.

Ms. Vassallo addressed the timing of the 2016 actions.

Bill Morris, asked how a tax abatement was approved without a written agreement. Mr. Lyons said the agreement was never produced.

Motion To Close Second Public Portion: Petsch-Wilson Second: Deegan

Mrs. Heather Flaim reported that an environmental grant will be applied for.

Mary Petsch-Wilson said she relies on legal counsel for the tax abatement decision. She is happy that the Franklin Township schools will be reopening on March 22.

Mayor Bruno thanked the DPW and Police Department for their work during the snow storms.

Motion to Adjourn:

Motion: Deegan

Second: Petsch-Wilson

Time: 8:45 PM

Respectfully submitted,

Barbara Freijomil, Municipal Clerk