

REGULAR MEETING

The Franklin Township Committee held a meeting with their Auditor, Anthony Ardito at 6:30 pm and their regular monthly meeting at 7:30 pm on Monday, February 01, 2010. Mayor Mark Blaszkza 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.

Present for Budget Meeting were: Mayor Mark Blaszkza, Bonnie Butler, Jeffrey DeAngelis, Joe Flynn, Michael Toretta, Denise L. Cicerelle, Municipal Clerk, Anthony Ardito, Auditor, Dawn Stanchina, CFO, Ron Read, DPW Foreman.

Following the flag salute the Regular Meeting Minutes of January 4, 2010 and Executive Session Meeting Minutes of January 4, 2010 were accepted on motion by Michael Toretta, and seconded by Bonnie Butler, all in favor.

At this time the committee reviewed figures for the 2010 budget with auditor as follows:

CFO, Dawn Stanchina advised that we only have preliminary budget numbers, no state revenue numbers received to date. Auditor, Anthony Ardito explained that our major concern is with the CAPS. Appropriate CAP 3.5% over last year, in dollars we are \$21,000 over in this CAP. Levy CAP last year was \$700,000 can increase by 4%. We had a debt service reduction which reduces our Levy. A couple of approaches can be done; review budget to eliminate cost and move out of one CAP to another area CAP. We have a Deferred School Tax Resolution on tonight's agenda for approval, if adopted, this can be placed in our surplus to be used.

Other topics discussed were Code Construction Revenue, to pay salaries, can take out of CAP to balance and put in a trust. An Emergency Services Tax is being investigated, also, the use of salt can be declared an emergency through FEMA per Committeeman DeAngelis.

Committee discussed cuts as to the following; \$14,000 out of Health Benefits Insurance, \$7,000 out of Professional Legal Services..

At this time a 5 minute recess was called at 7:31 pm on motion by Mark Blaszkza and seconded by Jeffrey DeAngelis. Unanimous Vote.

At 7:38 pm a unanimous vote to come out of recess status.

Present at 7:30 pm were: Brian Tipton, Esq., Michael Finelli, Municipal Engineer, Roger Bulava, Recycling, Jim Onembo, Zoning.

The following **Proclamation** was presented for Adoption.

PROCLAMATION

WHEREAS, the citizens of Franklin Township stand firmly committed to the promoting reading as the catalyst for our students' future academic success, their preparation for America's jobs of the future, and their ability to compete in a global economy; and

WHEREAS, Franklin Township has provided significant leadership in the area of community involvement in the education of our youth, grounded in the principal that educational investment is the

key to the community's well-being and long-term quality of life; and

WHEREAS, NEA's Read Across America, a national celebration of reading, will be conducted on March 2, 2010, which would have been the 106th birthday of Theodor Seuss Geisel, better known as Dr. Seuss; and

WHEREAS, Read Across America-NJ is being conducted statewide by the New Jersey Education Association, in partnership with the New Jersey State League of Municipalities, the New Jersey Library Association, Saturn-UA W, and their local affiliates across the state to promote reading and adult involvement in the education of our community's students:

NOW, THEREFORE, BE IT RESOLVED that the Franklin Township Committee calls on the citizens of the Township of Franklin assure that every child is in a safe place reading together with a caring adult on March 2, 2010;

AND BE IT FURTHER RESOLVED that this body enthusiastically endorses NEA'S Read Across America and Read Across America-NJ, and recommits our community to engage in programs and activities to make America's children the best readers in the world.

The aforementioned **Proclamation** be adopted by unanimous vote.

I, Denise L. Cicerelle, Municipal Clerk, for the Township of Franklin, Warren County, NJ, hereby certify that this is a true copy of a Proclamation adopted by the Franklin Township Committee, February 1st, 2010.

Denise L. Cicerelle, Municipal Clerk

Dated: February 1, 2010

A representative from the New Jersey State Police was present with no concerns voiced by Committee or Public. A stat sheet was provided by Trooper Miller and given to Mayor Blaszka.

The following **Resolution 2010-39** was presented for First Reading/Adoption

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

RESOLUTION #2010-39

WHEREAS, the provisions of C.63, P.L.1991 (The Supplemental Municipal Property Tax Relief Act) under Section 13 required municipalities whose school tax year is on a fiscal basis to defer twenty-five (25) per cent of the maximum allowable amount and anticipate it into their budget over a four (4) year period beginning in budget year 1991, and ending in budget year 1994 as additional Municipal surplus to offset the local property tax levy for local purposes; and,

WHEREAS, the provisions of C.63, P.L.1991 were amended in calendar year 1993 that changed the mandatory provision of the use of this deferred school tax to a permissive provision; and,

WHEREAS, the revised provisions for electing to utilize the deferred school tax require the governing body to make such election by introduction of the municipal budget.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Franklin that election be made to defer school taxes as of December 31, 2008, and be reflected in the Annual Financial Statement for the year 2008 as follows:

AMOUNT	FY 09-10	MAXIMUM
<u>TAX</u>	<u>SCHOOL LEVY</u>	<u>OF DEFER</u>
LOCAL SCHOOL TAX	\$3,936,116.00	\$1,968,058.00
TOTAL MAXIMUM DEFER TAX 12/31/09		1,968,058.00
LESS – DEFERRED SCHOOL TAX 12/31/08		978,374.00
INCREASE IN MAXIMUM DEFER TAX ALLOWABLE FOR CALENDAR YEAR 2009		\$989,684.00
AMOUNT DEFERRED AT 12/31/09		\$446,000.00

On motion by Jeffrey DeAngelis and seconded by Bonnie Butler the
aforenoted **Resolution 2010-39** be adopted as read.

Roll Call Vote	Yes	No	Absent/Abstained
Bonnie Butler	X		
Jeffrey DeAngelis	X		
Joe Flynn	X		
Michael Toretta	X		
Mayor Mark Blaszk	X		
		(5) Yes (0) No (0) Absent	Motion Carried

Dated: February 1, 2010

CERTIFICATION

I, Denise L. Cicerelle, Municipal Clerk of the Township of Franklin, do hereby certify the foregoing to be a true copy of a Resolution adopted by the Franklin Township Committee at a meeting held on February 1, 2010.

Denise L. Cicerelle, RMC/CMR

The following **Resolution 2010-40** was presented for First Reading/Adoption

Bob Hood, Chairman of the Open Space Committee, in attendance and explained to the committee that there is two parts to this Green Acres/PIG Project. The resolution needs to be adopted and an updated ROSI needs to be included, which needs to be update. Mr. Finelli can do this update for us for no more than \$1,000.

On motion by Bonnie Butler and seconded by Jeffrey DeAngelis to approve the application to be made and for Mayor Blaszkza to execute.

Roll Call Vote	Yes	No	Absent/Abstained
Bonnie Butler	X		
Jeffrey DeAngelis	X		
Joe Flynn	X		
Michael Toretta	X		
Mayor Mark Blaszkza	X	(5) Yes (0) No (0) Absent	Motion Carried

On motion by Bonnie Butler and seconded by Jeffrey DeAngelis to approve the ROSI to be updated for no more than \$1,000 by Mr. Finelli's office.

Roll Call Vote	Yes	No	Absent/Abstained
Bonnie Butler	X		
Jeffrey DeAngelis	X		
Joe Flynn	X		
Michael Toretta	X		
Mayor Mark Blaszkza	X	(5) Yes (0) No (0) Absent	Motion Carried

RESOLUTION 2010-40

**STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL
PROTECTION**

**GREEN ACRES
ENABLING
RESOLUTION**

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program ("State"), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Township of Franklin in Warren County desires to further the public interest by obtaining a grant of \$1,047,000 from the State to fund the following project(s):

Franklin Township Planning Incentive project

NOW, THEREFORE, the Franklin Township Committee resolves that Mayor Mark Blaszkza or the successor to the office of Mayor is hereby authorized to:

- (a) make application for such a loan and/or such a grant
- (b) provide additional application information and furnish such documents as may be required
- (c) act as the authorized correspondent of the above named applicant, and

WHEREAS, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding award; and

WHEREAS, the applicant is willing to use the State's funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the State for the above named project;

NOW, THEREFORE, BE IT RESOLVED BY THE FRANKLIN TOWNSHIP COMMITTEE

- I. That the Mayor of Franklin Township is hereby authorized to execute an agreement and any amendment thereto with the State known as the Franklin Township Planning Incentive project, and; [Note: Please authorize only one official to sign the project agreement on behalf of the local government or nonprofit.]
2. That the applicant has its matching share of the project, if a match is required, in the amount of \$1,047,000.
3. That, in the event the State's funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project, and;
4. The applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project.
5. That this resolution shall take effect immediately.

On motion by Jeffrey DeAngelis and seconded by Bonnie Butler the aforementioned **Resolution 2010-40** be adopted as read.

Roll Call Vote	Yes	No	Absent/Abstained
Bonnie Butler	X		
Jeffrey DeAngelis	X		
Joe Flynn	X		
Michael Toretta	X		
Mayor Mark Blaszk	X	(5) Yes	(0) No (0) Absent Motion Carried

CERTIFICATION

I, Denise L. Cicerelle, Township Clerk, do hereby certify that the foregoing is a true copy of a resolution adopted by the Franklin Township Committee at a meeting held on the 1st day of February, 2010

IN WITNESS WHEREOF, I have hereunder set my hand and the official seal of this body this 1st day of February, 2010.

Denise L. Cicerelle,
Municipal Clerk

Dated: February 1, 2010

On motion by Bonnie Butler and seconded by Jeffrey DeAngelis to approve Finelli Consulting to amend the ROSI at a cost of no more than \$1000.

Roll Call Vote	Yes	No	Absent/Abstained
Bonnie Butler	X		
Jeffrey DeAngelis	X		
Joe Flynn	X		
Michael Toretta	X		
Mayor Mark Blaszk	X	(5) Yes (0) No (0) Absent	Motion Carried

The following **Resolution 2010-41** was presented for **First Reading/Adoption**

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

**RESOLUTION – 2010-41
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>
Road Maintenance OE	\$8,000.00	
General Admin OE		\$2,000.00
Engineering Services OE		\$5,000.00
Electricity		\$1,000.00
TOTALS	\$8,000.00	\$8,000.00

On motion by Bonnie Butler and seconded by Jeffrey DeAngelis the aforementioned **Resolution 2010-41** be adopted as read.

Roll Call Vote	Yes	No	Absent/Abstained
Bonnie Butler	X		
Jeffrey DeAngelis	X		
Joe Flynn	X		
Michael Toretta	X		
Mayor Mark Blaszk	X	(5) Yes (0) No (0) Absent	Motion Carried

CERTIFICATION

I, Denise L. Cicerelle, Township Clerk, do hereby certify that the foregoing is a true copy of a resolution adopted by the Franklin Township Committee at a meeting held on the 1st day of February, 2010

IN WITNESS WHEREOF, I have hereunder set my hand and the official seal of this body this 1st day of February, 2010.

Denise L. Cicerelle,
Municipal Clerk

Dated: February 1, 2010

FIRST READING/INTRODUCTION

**TOWNSHIP OF FRANKLIN
ORDINANCE NO. 2010- 3**

**ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF WARREN,
STATE OF NEW JERSEY, OF THE CODE OF THE TOWNSHIP OF
FRANKLIN TO REGULATE TEMPORARY MUNICIPAL STREET CLOSURE.**

WHEREAS, the Committee of the Township of Franklin, County of Warren, State of New Jersey, has experienced road closures in the past for private use, and such closures have caused inconvenience to Township residents;

WHEREAS, N.J.S.A. § 40:67-1(c) grants the Township the authority to “[p]rescribe the time, manner in which and times upon which persons shall exercise any privilege granted to them in the use of any street . . . or public place.”

NOW, THEREFORE, BE IT ORDAINED by the Committee of the Township of Franklin, County of Warren, State of New Jersey as follows:

Section ___:

TEMPORARY MUNICIPAL STREET CLOSURE

§ ___-1. Prohibition on the closure of municipal roads without permit.

No non-resident person, business entity, organization, or association shall close, block, or otherwise hinder traffic on a municipal street, within the Township of Franklin, without authorization obtained pursuant to § ___-2. Any violation of this section shall be punished by a fine and/or imprisonment as provided in § ___-7.

§ ___-2. Authorization to issue permit, Application.

a. The municipal clerk shall be authorized to issue a permit for the temporary closure of any municipal street.

b. At least 30 days before the closure of a municipal road, an application for such permit shall be filed with the Township of Franklin with the following information:

- (1) Date and hours of temporary closure, and list of persons and addresses of parties applying for road closure;
- (2) Copy of Franklin Township Tax Map showing street location and surrounding cross-streets to be temporarily barricaded;
- (3) Short statement of purpose for street closure;
- (4) Assurances of complete accessibility to all areas of street for emergency vehicles;
- (5) Notification to Public Works at least 72 hours prior to events to drop-off barricades based upon availability;
- (6) Notification to Public Works on next business day to request pick-up of barricades;
- (7) The application may require such additional information as the Township Committee prescribed by resolution.

c. The application shall be accompanied by a fee in the amount of \$1000 per day. If the applicant is a student, or group of students, participating in an academic institution sanctioned project, then the fee is \$500 per day. Such fee shall be refundable in the event that the permit is denied. The permit shall be granted by the municipal clerk upon determining that the party is authorized and responsible. If a permit is granted, Applicant must comply with §____-6 as applicable.

d. The application shall be denied if the municipal clerk determines that blocking the street or portion thereof on the date requested in the application will unduly interfere with the flow of vehicular traffic. The municipal clerk shall advise the Applicant, in writing, of the reason for the denial of the application.

§____-3. Clean-up after closure.

The Applicant shall be responsible for the removal of litter, debris, and other materials from the street or portion thereof that is closed pursuant to permit.

§____-4. Obstacles blocking streets.

A municipal street closed pursuant to a valid permit shall not be obstructed by obstacles which cannot be readily moved to allow emergency and hazard vehicles to enter it in response to an emergency.

§____-5. Permits requesting closure exceeding 48 hours.

Any application requesting the closing of any street for a period greater than 48 consecutive hours shall not become effective unless and until it has been submitted to and approved by the Commissioner of the Department of Transportation where required by law.

§____-6. Liability

a. The person, business entity, organization or association to whom the permit is issued shall be liable for losses, damages, or injuries sustained by any person in connection with the municipal street closure, whether or not said losses, damages or injuries arise by reason of the negligence of the person, business entity, organization or association to whom such permit shall have been issued.

b. The Applicant shall be required to enter into a Hold Harmless Agreement, which Agreement shall provide that the Applicant shall agree to save and hold the Township of Franklin harmless of and from any and all obligations and liabilities

which may arise from the temporary street closing which represents the subject matter of the application.

c. The Applicant shall further agree as part of these provisions to hold harmless the Township of Franklin and to defend at the Applicant's own cost and expenses any claims or lawsuits instituted by third parties, which obligations or liabilities might otherwise exist or be asserted against the Township of Franklin.

d. The Applicant shall be further required, prior to the issuance of a permit, to submit evidence of liability insurance covering damages to property and injuries to members of the general public arising out of the temporary municipal street closing for at least \$1,000,000 or greater as determined by the municipal clerk with advice from the Township's Engineer and/or Attorney.

§ ____-7. Penalties for offenses.

Any non-resident person, business entity, organization, or association who shall violate any provision of this chapter shall, upon conviction, be subject to a penalty of not more than \$2500.00. Each day of violation shall constitute a separate offense. The Township of Franklin may bring this action in the municipal court or Superior Court as a summary proceeding under the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.), and any penalty monies collected shall be paid to the Franklin Township Chief Financial Officer; and

Section 2:

Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Section 3:

Repealer. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

This Ordinance shall take effect immediately after final passage, approval and publication according to law.

On motion by Committeeman Bonnie Butler and seconded by Committeeman Joe Flynn the aforementioned ordinance be adopted at first reading. Final reading and adoption to take place on **March 1st, 2010 at 7:00 p.m.**

Roll Call Vote	Yes	No	Absent/Abstain
Bonnie Butler	X		
Jeffrey DeAngelis	X		
Joe Flynn	X		
Michael Toretta	X		
Mayor Mark Blaszka	X	(5) Yes	(0) Absent Motion carried

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

Roll Call Vote	Yes	No	Absent/Abstain
Bonnie Butler			
Jeffrey DeAngelis			
Joe Flynn			
Michael Toretta			

CERTIFICATION

I, Denise L. Cicerelle, 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 February 1, 2010. Second reading, public hearing will be held on March 1st, 2010 at or near 7:00 PM in the Franklin Township Municipal Building, 2093 Rt. 57, Broadway, New Jersey.

Denise L. Cicerelle, RMC/CMR

FIRST READING/INTRODUCTION

**TOWNSHIP OF FRANKLIN
ORDINANCE NO. 2010-4**

AN ORDINANCE AUTHORIZING THE APPLICATIONS FOR CHARITABLE SOLICITATION PERMITS FOR FRANKLIN FIRE COMPANY AND FRANKLIN TOWNSHIP RESCUE SQUAD’S “COIN DROP” EVENTS FOR THE YEAR 2010 IN THE TOWNSHIP OF FRANKLIN, COUNTY OF WARREN, NEW JERSEY

WHEREAS, the members of the Franklin Fire Company wish to hold their “Coin Drop” events on April, 10, June 12, August 14, and October 9, 2010 at the intersection of Route 57 and Asbury-Broadway Road in the Township of Franklin; and

WHEREAS, the members of the Franklin Township Rescue Squad wish to hold their “Coin Drop” events on March 27, June 19 and September 11, 2010 at the intersections of Route 57 and Asbury-Broadway Road, Anderson Road and Asbury-Broadway Road, and Bloomsbury Road and Asbury- Broadway Road in the Township of Franklin; and

WHEREAS, N.J.S.A. 39:4-60 requires charitable organizations to obtain municipal approval before soliciting contributions within the State and County roadways of the Township; and

WHEREAS, the Franklin Fire Company and Franklin Rescue Squad are also required to obtain Charitable Solicitation permits from the New Jersey Department of Transportation (hereinafter, “NJDOT”); and

WHEREAS, the NJDOT application must be accompanied by a certified copy of a municipal ordinance approving the solicitation and authorizing the State Police to execute the application on behalf of the municipality in that the State Police are the responsible police service for the intersection in question; and

WHEREAS, the Township has considered the Fire Company and Rescue Squad’s requests and has found same to be acceptable; and

WHEREAS, the Township wishes to approve the Fire Company and Rescue Squad’s requests in accordance with the procedures established in N.J.S.A. 39:4-60.

NOW, THEREFORE, BE IT ORDAINED, by the Committee of the Township of Franklin, in the County of Warren and State of New Jersey, as follows:

Section - ____

The Township hereby approves Franklin Fire Company’s request to hold “Coin Drop” events on April 10, June 12, August 14, and October 9, 2010 at the intersection of Route 57 and Asbury-Broadway Road. The times approved for said solicitation are 8:00 a.m. to 4:00 p.m.

The Township hereby approves Franklin Rescue Squad’s request to hold “Coin Drop” events on March 27, June 19 and September 11, 2010 at the intersections of Route 57 and Asbury-Broadway Road, Anderson Road and Asbury- Broadway Road, and Bloomsbury Road and Asbury- Broadway Road. The times approved for said solicitation are 8:00 a.m. to 4:00 p.m.

Section - ____

The approval authorized herein is subject to and expressly conditioned upon the following:

- a. The Fire Company and Rescue Squad’s compliance with all rules, regulations and guidelines promulgated by the NJDOT for charitable solicitations, including, but not limited to, the posting of any and all necessary warning signs; and
- b. The approval of the Warren County Board of Chosen Freeholders and the NJDOT.

Section - ____

A representative of the State Police is hereby authorized to execute the application for a Charitable Solicitation Permit for Franklin Fire Company and Franklin Rescue Squad’s “Coin Drop” events provided the above-stated conditions are met.

Section - ____

All ordinances of the Township, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

Section - ____

This ordinance shall take effect upon passage and publication as required by law.

On motion by Committeeman Bonnie Butler and seconded by Committeeman Michael Toretta the aforementioned ordinance be adopted at first reading. Final reading and adoption to take place on **March 1st, 2010 at 7:00 p.m.**

Roll Call Vote	Yes	No	Absent/Abstain	
Bonnie Butler	X			
Jeffrey DeAngelis	X			
Joe Flynn	X			
Michael Toretta	X			
Mayor Mark Blaszk	X	(5) Yes	(0) Absent	Motion
carried				

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

Roll Call Vote	Yes	No	Absent/Abstain
Bonnie Butler			

Jeffrey DeAngelis
Joe Flynn
Michael Toretta
Mayor Mark Blaszk

() Yes () Absent Motion carried

CERTIFICATION

I, Denise L. Cicerelle, 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 February 1, 2010. Second reading, public hearing will be held on March 1st, 2010 at or near 7:00 PM in the Franklin Township Municipal Building, 2093 Rt. 57, Broadway, New Jersey.

Denise L. Cicerelle, RMC/CMR

FIRST READING/INTRODUCTION

Committeeman DeAngelis explained that a merger of the Asbury Fire Company with the Franklin Township Fire Department if this Ordinance is adopted. The township committee will need to appoint a Fire Chief of the department. Chief Read commented that his department is all for the merger. Asst. Fire Chief Barger of Asbury Fire department mentioned that they will be speaking about this tonight at their station, at least 90% of members have no problem with this merger. Asbury has a deed on their property with restrictions which needs to be reviewed and other pending items. Mayor Blaszk noted that this merger will give the township a much larger pool of members on both sides and no stations will be closed. Chief Read commented that this is a better protection plan for the residents. Deputy Mayor DeAngelis commented that the merger will potentially help out with insurance cost and will help cut costs for homeowners insurance. Better acquisitions to purchase fire equipment, this is positive all the way around. Committeeman Toretta would like for the fire department to recommend a fire chief and bring it to the township committee by 11/30 of the year. Attorney Tipton will make this change to the ordinance originally submitted and the appointment will be for a 3 year term.

TOWNSHIP OF FRANKLIN ORDINANCE NO. 2010 -5

AN ORDINANCE AMENDING CHAPTER 15 OF THE CODE OF THE TOWNSHIP OF FRANKLIN (COMMONLY KNOWN AS "FIRE DEPARTMENT"), COUNTY OF WARREN, AND STATE OF NEW JERSEY

WHEREAS, the Committee has determined that it is in the best interest of the Township to merge the Asbury, Broadway and New Village fire companies into one Franklin Township Fire Department with one Fire Chief;

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Franklin, County of Warren and the State of New Jersey, as follows:

Section 15-1 Authorization and establishment, in its present form is hereby deleted in its entirety and replaced with the following language:

“There is hereby authorized and established a Fire Department in and for the Township of Franklin, to be known as the “Franklin Township Fire Department, Inc.” The Fire Department is to consist of one Fire Department as authorized by the Township

Committee, and the Fire Chief shall appoint two assistant fire chiefs, and the Fire Department shall elect all of their junior officers. The Franklin Township Fire Department consists of the former Asbury, Broadway and New Village Fire Companies.”

Section 15-5 (B and C). Requirements for Chief, in its present form is hereby deleted in its entirety and replaced with the following language:

- “B. Must be a resident of Franklin Township
- C. Must have completed State mandated courses.”

In addition, the following language is added to Section 15-5:

- “D. Must have maintained seventy (70%) percent of duty, said duty to include actual attendance and duty at fire alarms and drills.”

Section 15-6. Election of Chief, is hereby re-titled “Appointment of Fire Chief – Term of Office”, and the language therein in its present form is hereby deleted in its entirety and replaced with the following language:

“The Fire Department shall provide the Township Committee with a nomination for Fire Chief by November 30 of the final year of the Fire Chief’s three year. The Township Committee shall, at its first business meeting appoint a Fire Chief for the Township who shall hold office for a term of three (3) years or until his successor is chosen and qualified.”

These amendments to Chapter 15, §1, §5 and §6, shall take effect immediately after final passage, approval and publication according to law.

On motion by Committeeman Michael Toretta and seconded by Committeeman Joe Flynn the aforementioned ordinance be adopted at first reading. Final reading and adoption to take place on **March 1st, 2010 at 7:00 p.m.**

Roll Call Vote	Yes	No	Absent/Abstain
Bonnie Butler	X		
Jeffrey DeAngelis	X		
Joe Flynn	X		
Michael Toretta	X		
Mayor Mark Blaszk	X(5)	Yes (0)	Absent Motion carried

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

Roll Call Vote	Yes	No	Absent/Abstain
Bonnie Butler			
Jeffrey DeAngelis			
Joe Flynn			
Michael Toretta			
Mayor Mark Blaszk		() Yes () Absent	Motion carried

CERTIFICATION

I, Denise L. Cicerelle, 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 February 1, 2010. Second reading, public hearing will be held on March 1st, 2010 at or near 7:00 PM in the Franklin Township Municipal Building, 2093 Rt. 57, Broadway, New Jersey.

PUBLIC HEARING and CONSIDERATION

The following **Ordinance 2009-1** was presented for Final Reading/Adoption

**Ordinance 2010-1
SALARY ORDINANCE TOWNSHIP OF FRANKLIN
WARREN COUNTY, NJ**

MOTION: To open Public Hearing by Bonnie Butler, seconded by Jeffrey DeAngelis.

Roll Call Vote	Yes	No	Absent/Abstained
Mark Blaszk	X		
Jeffrey DeAngelis	X		
Michael Ferri	X		
Michael Toretta	X		
Mayor Bonnie Butler	X	(5) Yes (0) Absent	(0) Abstained
		Motion Carried	

PUBLIC COMMENTS: None

MOTION: To close Public Hearing by Jeffrey DeAngelis, seconded by Bonnie Butler.

Roll Call Vote	Yes	No	Absent/Abstained
Mark Blaszk	X		
Jeffrey DeAngelis	X		
Michael Ferri	X		
Michael Toretta	X		
Mayor Bonnie Butler	X	(5) Yes (0) Absent	(0) Abstained
		Motion Carried	

On motion by Michael Toretta and seconded by Jeffrey DeAngelis the aforementioned **Ordinance 2010-1** be adopted.

Roll Call Vote	Yes	No	Absent/Abstained
Joe Flynn	X		
Mayor Mark Blaszk	X		
Bonnie Butler	X		
Michael Toretta	X		
Jeff DeAngelis	X	(5) Yes (0) No	Motion carried

PUBLIC HEARING and CONSIDERATION

The following **Ordinance 2010-2** was presented for Final Reading/Adoption.

MOTION: To open Public Hearing by Jeffrey DeAngelis, seconded by Mike Toretta.

Roll Call Vote	Yes	No	Absent/Abstained
Mark Blaszk	X		
Jeffrey DeAngelis	X		
Michael Ferri	X		
Michael Toretta	X		

Mayor Bonnie Butler X (5) Yes (0) Absent (0) Abstained
 Motion Carried

PUBLIC COMMENTS: Steve Tabert questioned as to what a CAP Bank is? Mayor Blaszk
Blaszka informed this allows the municipality to exceed the 3 ½% CAP.

MOTION: To close Public Hearing by Bonnie Butler, seconded by Michael Toretta.

Roll Call Vote	Yes	No	Absent/Abstained
Bonnie Butler	X		
Jeffrey DeAngelis	X		
Joe Flynn	X		
Michael Toretta	X		
Mayor Mark Blaszk	X	(5) Yes (0) Absent (0) Abstained	

Motion Carried

On motion by Jeffrey DeAngelis and seconded by Michael Toretta the
 aforementioned **Ordinance 2010-2** be adopted.

Roll Call Vote	Yes	No	Absent/Abstained
Joe Flynn	X		
Mayor Mark Blaszk	X		
Bonnie Butler	X		
Michael Toretta	X		
Jeff DeAngelis	X	(5) Yes (0) No	Motion carried

DISCUSSION:

A letter was received from Tracey Heisler as to a zoning change for the Heritage and Tobias Properties. Mayor Blaszk informed that there is a law in the assembly to change time of decision to time of application and will most likely pass. Committeeman Toretta feels that our Land Use Board and their Professionals have the info to recommend to the Township Committee as to how to proceed as the committee has the power to make the change. As we have seen earlier with our budget numbers rateables will help us out. Committeeman DeAngelis stated that these 2 properties are zoned Light Industrial if we were to change to Residential, every new house put in goes toward building a new school.

DISCUSSION:

A letter was received from the State of New Jersey, Department of the Public Advocate as to asking municipalities to adopt a model ordinance that would ensure continued and dramatic progress in making homes lead safe and preventing lead poisoning in children. This ordinance would require a lead evaluation upon occupant turnover and remediation before the certificate of occupancy is issued. This ordinance does not impose any expense on the municipality and does not require the use of municipal resources. Committee consensus is not to entertain this ordinance at this time.

DISCUSSION:

A letter was received from Lopatcong Township as to placing a freeze on the collection of Open Space Tax for the year 2010. Lopatcong Township as well as Oxford Township have adopted resolutions in support of this and forwarded same to the Warren County Board of Chosen Freeholders. A discussion ensued and the consensus of the committee is that Franklin Township supports this tax and does not oppose to continue having this tax collected, as this has been working for us to help preserve our farmland. Mayor Blaszk a will incorporate a letter to forward to the Freeholders as to this.

On motion by Michael Toretta and seconded by Bonnie Butler to forward a letter to WC Board of Chosen Freeholders that Franklin Township supports this tax to continue to be collected.

Roll Call Vote	Yes	No	Absent/Abstained
Bonnie Butler	X		
Jeffrey DeAngelis	X		
Joe Flynn	X		
Michael Toretta	X		
Mayor Mark Blaszk a	X		
		(5) Yes (0) Absent	(0) Abstained
		Motion Carried	

DISCUSSION:

A discussion as to making a change from picking up the township mail at the Broadway Post Office to having the mail delivered to the Municipal Building by the Washington Post Office making this a lot more efficient for the clerks and residents since the building needs to be locked when only 1 employee is working. Steve Tabert made a comment that this is Broadway not Washington. Our mailing address should be Broadway. Mayor Blaszk a will look into this further as information received by the clerk after speaking with the Postmaster of Washington that we would need to put a mailbox out front on Copperfield Drive and we would prefer to have the mail delivered into the municipal building.

DISCUSSION:

Mayor Blaszk a was recently at a meeting where he was informed that instead of placing Raffle and Bingo Applications on the agenda for approval, the municipal clerk can approve all applications leaving this off the agenda for committee approval, by simply adopting a resolution. Deputy Mayor DeAngelis commented that this would make the process quicker for the applicants, but he would still personally like to review the applications to see what is going on in the town. The committee feels that instead of photocopying the raffle/bingo applications for meeting packets to circulate them via, inter office memo to view before approving at the next township meeting.

APPROVAL:

Raffle Application **RA 2010-1** was submitted by PTA Warren County Technical School, for an On Premise Raffle 50/50, Date of Event, 4/30/10, on motion by Jeffrey DeAngelis and seconded by Bonnie Butler, application approved to issue license accordingly.

Roll Call Vote	Yes	No	Absent/Abstained
Bonnie Butler	X		
Jeffrey DeAngelis	X		
Joe Flynn	X		
Michael Toretta	X		

Mayor Mark Blaszk a X (5) Yes (0) No (0) Absent Motion Carried
 Raffle Application **RA 2010-2** was submitted by PTA Warren County Technical School, for an On Premise Tricky Tray, Date of Event, 4/30/10, on motion by Jeffrey DeAngelis and seconded by Bonnie Butler, application approved to issue license accordingly.

Roll Call Vote	Yes	No	Absent/Abstained
Bonnie Butler	X		
Jeffrey DeAngelis	X		
Joe Flynn	X		
Michael Toretta	X		
Mayor Mark Blaszk a	X	(5) Yes (0) No (0) Absent	Motion Carried

APPROVAL:

Committeeman Flynn presented the committee with 2 quotes for an Architecture Analysis. Original proposal received from SSP needed to be expanded that was received at last month’s meeting. Component Tasks of the Master Plan process included in the proposal as follows: Roofing/Building Envelope Investigation and Recommendation, Investigation of Energy Savings Improvements, Evaluation of Renewable Opportunities, Evaluation of Facility Space Arrangement and Function, Community Input Process to Guide Recreation Expansion, Development of Conceptual Options Depicting Potential Space Arrangement/Improvement, Development of a Prioritized Lists of Projects and Associated Costs, Grant Funding Investigation Support. To undertake the study SSP can provide this service to Franklin Township for \$5200, billed monthly on a prorated basis. DiCara Rubino supplied the second quote and can provide this service to Franklin Township as follows: Existing Conditions Analysis/Architerctural \$8000 and Mechanical \$8000, Space Needs Analysis/Architectural \$5000 and Proposed Options Study/Architectural \$5000. Mr. Flynn commented that Ms. Hammer from SSP is very comfortable to work with and Mr. Finelli has done quite a bit of work with SSP, long history with them and do a nice job.

Chris Hamler, President of the FTYA, stated that the group is having field space problems with Washington Twp and wanted to know the timeline for the park. Mayor Blaszk a informed the group that we could do a scaled down version using 5 to 7 acres to accommodate a field. This would take a redesign of the park. It was also stated that the overflow parking for the school was needed for the 50th anniversary celebration for the school as well as other events. Committeewoman Butler questioned how the DPW would be able to maintain the fields and Committeeman Torretta questioned where the money would come from. Mayor Blaszk a stated that the funds would come from open space and that the DPW used to maintain 7 acres of the school and 3 acres at Edison place which they no longer do. This would not add more load to their work schedule as they have reduced property to maintain now. Consensus was that Mayor Blaszk a will meet with Finelli Consultants to see of a modified plan. Any plan would need to be coordinated with Sam Santini’s field planting

REPORTS/UPDATES/DISCUSSIONS

OEM

Mr. Woolf brought to Mr. Read’s attention in reference to his home not being on Singley Lane as it should be named to Woolf Lane. Also the Washington Post Office would like for the township to change their New Street to New Avenue as it would make their mail delivery easier since there is a New Street in their town. Mail is being delivered to Washington in lieu of Franklin Township and vice versa. This should be a change

coming from the township committee not the OEM. Attorney Tipton will look into an Ordinance to accommodate these changes.

RECYCLING

Nothing to report

ZONING

Nothing to report

ENGINEER REPORT – Engineer Finelli gave a brief overview of items.

A discussion ensued as to the Willow Grove/Good Springs Road Resurfacing Change Order #1 and Voucher #1 that is still outstanding to be paid. Mr. Finelli recommended to the committee to approve the Change Order as outlined and Voucher for \$147,419.20. A field meeting is to be scheduled with the contractor as to the concern with his workmanship. A concern to hold back \$20,000 to resolve the problems with the seams and is it enough to fix this problem. Also not to use “Z” Brothers again for any other projects. Mr. Finelli informed that “Z” Brothers did spend a lot of extra time to try to correct the problem. Further discussion to follow, to rectify this problem.

Committeewoman Butler questioned Mr. Finelli as to the sidewalks that will be put it on Bryan Road as to the cleaning of them by our DPW. Mr. Read commented that since kids don’t walk to school, no use for these sidewalks now, we should just fix the sidewalks from Rt. 57 to the School. Mayor Blaszkas commented that it is being used for students that are bused to other schools.

Mr. Finelli informed that the TE Grant was upped from \$76,000 to \$104,770.

1. THIRD STREET DRAINAGE PROBLEMS

- As authorized by the Committee, our office sent a Highlands Applicability Determination (HAD) application to the Highlands Council to receive formal authorization to construct the project. Unfortunately, the Township’s HAD application was denied by the Highlands Council as it did not meet the requirements to be classified as one of the Qualified Exemptions.
- Our office previously prepared and submitted a “Pre-Application” package for review by the NJDEP. Nevitt Duvencak attended a meeting on October 4, 2007 with various NJDEP representatives including John Moyle, Division of Dam Safety and Lou Cattuna, Land Use Regulation. Nevitt Duvencak will continue to coordinate with both John Moyle and Lou Cattuna. We were notified by Lou Cattuna that in order for the project to proceed forward, an application to SHPO must be made in order to receive a “Project Authorization.”
- Our office submitted the required SHPO application (refer to separate correspondence dated December 13, 2007). Our office then forwarded a follow-up correspondence to the Warren County Morris Canal Committee in answer to questions they raised in their review of the project.
- On December 22, 2008, our office contacted the Warren County Morris Canal Committee Chairman, Dave Detrick as well as, Greg Sipple to coordinate a field meeting to review the scope of work and discuss any concerns they may have regarding the project. As previously reported, we are optimistic that the project can move forward into the design phase once the required property is secured by the Township.

- On January 13, 2009, our office met with the Warren County Morris Canal Committee to discuss the project. Subsequently, we received a correspondence from the Committee which supports the project to utilize the canal as a detention structure. The next phase would involve negotiations with the property owner, the Chiu's, to purchase the canal property or seek an easement on the property for the construction work necessary to develop the proposed detention basin. In the past, we have had only marginal success in discussing the project with the Chiu's.
- The Township recently executed an extension to the original grant agreement for an additional period of three (3) years to expire on August 31, 2012.
- Nevitt Duveneck and I met with Mayor Blaszk on January 15, 2010 to review a number of current Municipal projects including this project. It is our understanding that Mayor Blaszk will be following up on this matter in an effort to meet with Mr. Chiu to discuss acquiring the necessary parcel of property to allow this project to move forward.

2. TOWNSHIP WASTEWATER MANAGEMENT PLAN

(No change since last month's report)

- Our office received a copy of a letter, dated September 24, 2008, from the NJDEP, Division of Watershed Management, to Mayor Butler regarding this matter. In summary, based upon the County's decision not to assume the wastewater management planning responsibilities, the Township is now the lead entity for the wastewater management planning responsibilities for the Township. Per the recently adopted and amended Water Quality Management Planning Rules (NJAC 7:15), the municipality is responsible to submit a WMP within one (1) year from the date of the adoption of the rules which would be July 7, 2009. As previously discussed by me at recent Township Committee meetings, if a "new" Township-specific WMP would not be submitted, the Township would be subject to the withdrawal of any wastewater service area designations.
- As per the NJDEP's September 24, 2008 letter to the municipality, the NJDEP is requesting a letter from the Township which would indicate the Township's intended course of direction and WMP responsibilities. This matter has been discussed at the last few Township Committee Meetings. I attended a Highlands Council Information Session meeting on January 22, 2009 regarding Plan Conformance. At that meeting, there was an indication from Eileen Swan, Highlands Council that a potential extension may be granted by the NJDEP to the July, 2009 submission deadline for Municipalities (within Warren County) that lie within the Highlands and have supplied a "Notice of Intent to Conform." We have since received confirmation that there will be extensions granted to Highlands municipalities within Warren County. The Township has now formally requested an extension from the NJDEP, via a correspondence from our office dated June 1, 2009.
- The NJDEP has amended their requirements for Warren County municipalities relative to the submission of a "complete" WMP. We have spoken with numerous NJDEP personnel regarding the NJDEP's requirements for WMP submissions in Warren County/Highlands municipalities. The NJDEP will be accepting an "interim" WMP which is a much abbreviated and more concise WMP submission. Additionally, the NJDEP has made available a \$10,000 grant for each municipality who decides to proceed and submit an "interim" plan. Our office, with assistance from both Denise Cicerelle and Dawn Stanchina, has developed the grant application. At the August 10, 2009 Committee meeting, the Township Committee approved a Resolution which was a requirement of the submission of the grant application. Our office has forwarded the completed grant application to the NJDEP via correspondence dated August 19, 2009.
- Our office received a copy of an Agreement from the NJDEP on October 28, 2009 which must be executed by the Township in conjunction with the \$10,000

grant referenced above. The grant agreement was signed and executed by Mayor Butler and Denise Cicerelle. The agreement will enable the Township to secure the \$10,000 grant from the NJDEP for the work associated with the development of this interim WMP.

- Our office will keep the Committee updated as we proceed forward in developing the “interim” WMP. Prior to any submission of an “interim” WMP to the NJDEP, the Township Committee will need to approve same.

3. MILLBROOK ROAD (2008 NJDOT DISCRETIONARY GRANT)

- The Township previously received notification that we were successful in obtaining a \$300,000 grant to stabilize and remediate the damage to the roadway.
- Subsequent to the receipt of bids for the project, the Township awarded a contract to the low bidder, Pave-King, Inc., in the amount of \$193,450.00. The contract and all required supporting documents have been received and the project contract has been fully executed.
- Some additional pavement related work (asphalt berms and end treatments) has been completed by the contractor which constituted the final punchlist items in order to bring this project to completion. Be advised, according to our calculations and analysis to date, we believe that the final adjusted total cost for this project (which can also be inclusive of the pavement testing and construction inspection costs incurred) is expected to be very near the total grant amount of \$300,000.
- The project has now been completed and the asphalt cores have been taken for testing of air voids and composition as required by the NJDOT.
- The Final Voucher and Change Order for the project were previously approved and paid to the contractor by the municipality. There was retainage held pending receipt of the asphalt testing results. According to the testing results, a penalty is to be assessed to the contractor. **Our office will shortly be issuing a correspondence regarding the final payment to the contractor.** Our office is now processing the final paperwork to the NJDOT to receive the final 25% of the \$300,000.00 grant for the project.

4. SAFE ROUTES TO SCHOOLS GRANT APPLICATION (SRTS)

- The Township Committee previously authorized our office to prepare a SRTS grant application for a project which consisted of both a sidewalk extension on Bryan Road and sidewalk repair/replacement along Asbury-Broadway Road between NJSH Route 57 and the Elementary School. We completed the grant application for submittal which was prepared utilizing the System for Administering Grants Electronically (SAGE) procedure. The estimate developed by our office for this application totaled \$86,100.
- Our office recently received confirmation that the Township was successful in receiving funding in the amount of \$70,000 for the project. According to the grant guidelines, the project requires project authorization (design plan approval) by the NJDOT within two (2) years of the date of the grant award.
- At this time, our office has completed the survey work and will begin developing the base maps in preparation for the design of the project. Additionally, our office attended a mandatory “Kick-Off” Meeting with the NJDOT on September 15, 2009. The Township should be advised that there is additional administrative work required through this funding program than the typical DOT Trust Fund project (i.e. Report Item #s 3 and 5).
- Our office has completed the design work for the project. We will be coordinating with the Warren County Engineer’s office regarding our proposed

design on Asbury-Broadway Road before completing the final construction drawings.

5. 2009 NJDOT TRUST FUND APPLICATION: WILLOW GROVE ROAD, SECTION II

- The Township previously received notification of a grant allocation for Willow Grove Road Section II in the amount of \$120,000. As a result of the fact that in-place asphalt paving from independent paving contractors can result in a savings of up to \$10.00 per ton under the current MCCPC price for in-place paving, the Committee authorized our office to go “out to bid” for the project.
- The NJDOT initial voucher, in the amount of \$90,000 has been submitted to the NJDOT which represents the initial reimbursement amount due the Township of Franklin. As of the date of this report, our office is unaware if the Township has received the initial payment due from the NJDOT.
- Our office had been coordinating with the contractor and Mike Ferri regarding the completion of a number of final punchlist items in order to bring this project to closure enabling the Township to request the final grant disbursement payment from the NJDOT. As is required with these NJDOT Trust Fund Grant projects, the project can not be finalized and closed out until pavement testing is completed.
- Our office has prepared a Final Voucher and Change Order for the project which was detailed in our December 29, 2009 correspondence. The Committee took no action regarding authorization to approve the Voucher and Change Order. Subsequently, our office met with Mayor Blazska and it was decided that an amount of retainage be held to cover the costs of milling and paving of the defective pavement seams on the project. **Please refer to separate correspondence dated January 27, 2010 regarding our recommendations.**

6. SMITH PROPERTY SUBDIVISION

(No change since last month’s report)

- We have previously been advised that the Final Plat for this subdivision was recorded and filed with Warren County on April 30, 2009.
- The deed for the open space parcel requires Green Acres restriction language. Previously, our office prepared the deeds for each of the lots created by the subdivision and forwarded same to the Township Attorney to be filed with the County.
- Our office recently received notification that the Green Acres will not accept the new deed for the Green Acres parcel as they must have a survey to Green Acres standards referencing and depicting the newly created lots resulting from the subdivision of the property.
- Our office received Committee authorization to prepare the new survey to Green Acres standards from the subdivision plat. Our office forwarded a copy of completed Green Acres Survey to the State for review. Subsequently, we received some minor comments from Green Acres. One comment related to the installation of additional monuments at certain property corners. Our office has revised the survey and forwarded same to Green Acres on September 24, 2009 for their review.
- Our office has recently received notification that the amended survey and descriptions have now been approved by Green Acres.

7. TOWNSHIP RECREATIONAL FIELDS COMPLEX

(No change since last month’s report)

- The concept plan has been finalized with the overall layout securing approval from the Township Recreation Subcommittee. On January 12, 2009, Greg VandeRydt from our office, along with Malia Corde and Mark Blaszkza, presented the plan via a PowerPoint presentation to the public at a public information session which was attended by approximately 50± citizens. The plan was generally well received and, we believe at this juncture, the funding mechanism(s) and sources are being evaluated and pursued.
- The wetlands have been delineated by our wetlands consultant and we have developed the plan which will accompany the Letter of Interpretation (LOI) application to the NJDEP. Since the Final Plat for the subdivision of the property (ref. report item #6) has been filed, an LOI application was submitted to the NJDEP. Our office will continue to communicate with our wetlands consultant, Jeff Tareila, regarding the disposition of the LOI application with the NJDEP. As of the date of this report, no final Wetlands Line Verification has been secured. However, our office believes that the Township should be receiving same in the very near future.
- Our office is in receipt of an approved NJDEP LOI for the project dated December 1, 2009.

8. HIGHLANDS PLAN CONFORMANCE

- Nevitt Duveneck, Joe Nalio and I attended an informational session at the Highlands Council office in Chester, NJ on January 22, 2009. The purpose of this meeting/informational session was to advise various professionals (engineers, planners and attorneys) about the Plan Conformance process, the timeline and the Grant program associated with same. Our office will be working with Chuck McGroarty, P.P. towards the development of the various planning modules which constitute the Highlands Plan Conformance process. The intent of this program is to have all involved municipalities be in a position to make a better “informed” decision relative to whether or not they choose to “opt in” to the Highlands Regional Master Plan (HRMP) for the areas within the Planning Area of the HRMP.
- It is my understanding that Planner McGroarty has made application(s) to the Highlands for the grants associated with the Plan Conformance process. The total for this grant program is \$50,000 with a maximum upset amount of \$100,000. This grant amount would be inclusive of all seven (7) modules required in conjunction with the plan conformance process. Confirmation should be made regarding the submission of these grant applications to the Highlands Council prior to the Township incurring any additional costs. The Township should be aware that receipt of these grant monies from the Highlands does NOT obligate the Township to “opt in” to the HRMP.
- It is our understanding that Chuck McGroarty, P.P., completed the balance of the Highlands Plan Conformance process and the compilation and submission of all required documents and completed Modules and forwarded same to the Highlands Council. At this juncture, we are waiting for the Highlands Council to review and provide comment on our Module 7 submission and the Township’s Petition for Plan Conformance. Our office is in receipt of a recent correspondence from the Highlands Councils indicating that our submission was determined to be administratively complete.

9. 2010 TRANSPORTATION ENHANCEMENT APPLICATION (No change since last month’s report)

- The Mayor and Township Committee previously authorized our office to prepare a grant application thru this program for the replacement and improvements to a portion of the sidewalk system in Asbury. Our office, on behalf of the Township, completed the application and submitted same electronically, as required.

- Due to the fact that the sidewalks will be constructed within a County ROW, we were required to secure the County's endorsement for the project. The County's endorsement was received and forwarded to the NJDOT, as required, on June 25, 2009.
- The Township was awarded a \$76,000 grant for the project and it is being funded through the American Recovery and Reinvestment Act (ARRA) through the federal government. In conjunction with this type of grant, and as required by the NJDOT, our office recently attended a Transportation Enhancement (TE) training session that included direction for the requirements according the ARRA funding guidelines.
- This is a "fast-track" grant because of ARRA grant funding which requires the project to be "Authorized" by January 4, 2010. The Committee gave our office approval to begin development of the plans at the September 14, 2009 Committee meeting.
- We completed the design phase and developed a full set of construction plans, specifications as well as the required AARA documentation for the project which were forwarded to the NJDOT's consultant, Greenman-Pedersen (GPI), on November 5, 2009 for their review in conjunction with the required "Authorization" referenced above. Nevitt Duveneck of our office attended a meeting with GPI on December 2, 2009 where we were provided with some initial review comments. Our office revised the plans and supporting documentation and resubmitted them for review. We have been contacted by GPI and they expect to forward some minor additional comments. This will allow the project to secure their final approval and "Authorization".
- Additionally, as required, we have met on site with the employees from the State Historic Preservation Office (SHPO), NJDOT and the Chair and Vice Chair of the Township Historic Commission to solicit their input on the project. All of their respective comments have been incorporated into the construction plans as required by the NJDOT.

10. MILLBROOK INTERSECTION UTILITY POLE RELOCATION INVOICE

- As background, at a September 2008 Township Committee meeting, there was a long discussion regarding traffic safety concerns related to the location of a electric service utility pole at the southwestern corner of Millbrook Road and State Highway Route 57 that forced truck traffic turning right at the light to drive into the northbound lanes (travel lanes in the direction of Washington) to negotiate the turn without hitting the above-referenced utility pole. At the direction of the Township Committee, we forwarded this request to the NJDOT as they had jurisdiction over the service pole which supplies the power to the intersection light. It should be noted, this pole was a combination utility power pole and an electric service pole prior to moving the power lines to a new utility line location in conjunction with the Millbrook Road Realignment project. The NJDOT reviewed the request and forwarded a contract and invoice for the work to be performed to the municipality. Based on the extensive cost to move the pole (which was billable to the municipality under the intersection agreement, the Township chose to not sign the contract and did not order the work to move the service pole.
- At the end of last year, the Township received an invoice for the work and the NJDOT demanded payment. Our office attempted to work with the NJDOT during a number of telephone conversations which ended with direction to draft a letter regarding the Township's request to cancel the project which was sent by then Mayor Butler in November, 2009. The Township has now received a notice that the invoice has been sent to a collection company for payment. Denise has forwarded all information to Debbie Hirt with NJDOT Community Relations and requested a resolution to the matter. No response has been received to date.

- At this juncture, it may be advisable to have Attorney Tipton handle this matter. At the authorization of the Committee, our office would coordinate with Attorney Tipton. We look to the Committee for direction in this matter.

ATTORNEY REPORT

Report on file. Further discussion to ensue in Executive Session.

COMMITTEE REPORTS

Joe Flynn – Community Center Report provided to committee a report for review. There is a substantial amount of money in the Recreation Trust Fund. Mr. Flynn also recommended that we pay for the Architectural Analysis out of the Recreational Trust Fund. We need to figure out how to collect on damages to the lights and heat shields that are being beat up. Mr. Flynn would like to investigate a timer being installed on the exhaust fans. One of the fans was left on and rain came in on the floor. Mr. Flynn is also looking into replacing paper towels in the community bathrooms with hand dryers, which would save us money. Also, if we could come up with a threshold for Mr. Flynn to be able to spend some money to make some changes to the community center might be helpful. Committeeman DeAngelis will work with Committeeman Flynn as to a video surveillance system at the Adhoc Committee meeting this Friday at 5pm. The Community Center floors will be buffed/cleaned by the school this week.

Mr. Flynn made a motion to except the SSP proposal for the Architectural Analysis and move into an Agreement with them as well and seconded by Bonnie Butler.

ROLL CALL VOTE	YES	NO	ABSENT/ABSTAINED
Bonnie Butler	X		
Jeffrey DeAngelis	X		
Joe Flynn	X		
Michael Toretta	X		
Mayor Mark Blaszk	X	(5) Yes (0) Absent	Motion Carried

Michael Toretta - Nothing to report

Bonnie Butler – The Engine Braking Signs are in, do we need permission to put up on County Roads. Clerk advised yes and Mr. Read has this information. Also a chart was received detailing the streets in the township as to feet, miles, width of pavement, R.O.W. Width, Blacktop and Oil & Chip cost estimates.

Quotes were received for a Ferris 3100, Zero Radius Turn Mower; Rymons \$8499 and from Warren County Service Center \$9400. Mr. Read prefers the Rymons quote.

On motion by Bonnie Butler to except the Rymons quote for \$8499 and seconded by Joe Flynn to purchase.

ROLL CALL VOTE	YES	NO	ABSENT/ABSTAINED
Bonnie Butler	X		
Jeffrey DeAngelis	X		
Joe Flynn	X		
Michael Toretta	X		
Mayor Mark Blaszk	X	(5) Yes (0) Absent	Motion Carried

Quotes were received for a Utility Trailer, Wood Deck from Rymons \$4310 and from Brymar \$6195. This trailer is needed to pick up the roller from Washington Township and other jobs. Right now the DPW borrows Washington Township's to do this.

On motion by Bonnie Butler to except the quote from Rymons for \$4310 and seconded by Joe Flynn to purchase.

ROLL CALL VOTE	YES	NO	ABSENT/ABSTAINED
Bonnie Butler	X		
Jeffrey DeAngelis	X		
Joe Flynn	X		
Michael Toretta	X		
Mayor Mark Blaszk	X	(5) Yes (0) Absent	Motion Carried

Mr. Read prepared a Road Inventory Assessment and will rank the roads for the next meeting for review.

Jeff DeAngelis - Updated committee as to the Key Access System, Mr. DeAngelis recommends that we only do the interior door and not the front door, this will save us approximately \$2800. We can use that money elsewhere. The other door would be the hallway door. A few more keys need to be made, but we know, who has keys issued to them.

Mark Blaszk – We received from Comcast a check in the amount of \$8015.36 for 2% Right Of Way money. Received something on a Census Boundary. Committeewoman Butler is furious about this, has a theory on this, 3 big Fed Ex Packages received, insist, she has called and written to Bureau, it was already done, no need to entertain per Butler.

OPEN PUBLIC SESSION

Tracey Heisler – 370 Bloomsbury Road, commented, since she sent her letter in December requesting a zone change, she knew that it wouldn't be entertained and that she heard no discussion on opportunities for rateables, as previously addressed in her letters; such as Residential, Corporate Offices, Small Village Activities. Mrs. Heisler addressed Committeewoman Butler as to the law today, the governing body has the power to make the decision, Time of Decision is the current law in effect now, Time of Application is what is being proposed at this time in Legislation. Mrs. Heisler addressed to Mayor Blaszk and Committeeman Toretta that they stated earlier that Franklin Township needs rateables and don't care how we get them. This is an incredible disappointment. To Committeeman Toretta, Mrs. Heisler has checked with the Franklin Township School and there has been a decline in the past 4 years, 15%, in enrollment.

Barbara Baines – Questioned as to proposing a zone change to the Tobias Property, which does not have an application to it at this time, would we consider a change in the zone? Committeeman DeAngelis replied that he is on the Land Use Board this year. Mr. DeAngelis will initiate open conversations with the Land Use Board about the pros/cons of a potential zone change on the Tobias Property. Mr. DeAngelis commented that he will make a judgeful decision and become educated to make the right decision without making a rash decision. Mr. DeAngelis will adamantly work with the Land Use Board and be a liaison and understand the pros/cons and educate the township committee.

Pat Baines – Appreciated Mr. DeAngelis’s comments. Mr. Baines commented that the Tobias property was changed under the Master Plan and individual property owners were not notified of change, done underhandedly. Mr. DeAngelis advised that if the township committee were to make a change in the property zone, property owners will be notified.

Cathy McCarthy – Mayor Blaszkka made a good point and made her think as to Highlands vs. Green Acres. There aren’t a lot of places to build to put rateables in the township. We don’t have to have a truck depot to have a rateable.

Mayor Blaszkka commented that the township has been down many roads for our community as well as smart growth and is open to all avenues. Mrs. Heisler stated that it is not her intention to be disrespectful, and if I am hearing you correctly that you are open to consideration. Mayor also commented that he and the committee can’t comment on an application without hearing it. It is the Land Use Boards job to get the facts down straight.

Steve Tabert – For a greater part of his life he has been a trucker and it’s about time to hear from the other side. Trucks are responsible for the house that we live in, food that you eat and the clothes that we buy, everything is supported by a truck. And this infuriates me to hear someone say that all truckers are criminals. Mrs. Heisler replied stating that this wasn’t her intention as her father was a trucker.

Dolores Klinger – Comes to Franklin Township from Somerset County. Hopes the committee will take this application seriously, the community has a lot to offer. This application doesn’t appear to be Light Industrial. We have a gorgeous community, why destroy it.

Pat Baines – question as to what is a CAP Bank? Mayor replied as this is how much the municipality can expend and with the resolution can expend up to 3.5% in lieu of 2.5%.

EXECUTIVE SESSION

BE IT RESOLVED, on this 1st day of February, 2010, 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

Brandywine Litigation/Personnel/Contract Negotiations

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 February, 2010 by the Franklin Township Committee, that the matter stated will be discussed in executive session, said session to commence at 10:24 p.m.

On Motion by Jeffrey DeAngelis and seconded by Michael Toretta to exit to executive session. Unanimous Vote

On motion by Bonnie Butler and seconded by Michael Toretta to return to the regular session 11:05 p.m. Unanimous Vote

On motion by Michael Toretta and seconded by Bonnie Butler to approve to be paid Change Order #1 and Voucher #1 to “Z” Brothers for the Willow Grove/Good Springs Road project, in the amount of \$147,419.20.

ROLL CALL VOTE	YES	NO	ABSENT/ABSTAINED
Bonnie Butler	X		
Jeffrey DeAngelis	X		
Joe Flynn	X		
Michael Toretta	X		
Mayor Mark Blaszka	X	(5) Yes (0) Absent	Motion Carried

On motion by Michael Toretta and seconded by Bonnie Butler to pay bill list and amended bill list as presented by the CFO.

ROLL CALL VOTE	YES	NO	ABSENT/ABSTAINED
Bonnie Butler	X		
Jeffrey DeAngelis	X		
Joe Flynn	X		
Michael Toretta	X		
Mayor Mark Blaszka	X	(5) Yes (0) Absent	Motion Carried

On motion by Michael Toretta and seconded by Bonnie Butler, hearing no objection, meeting stands adjourned at 11:07 pm. Unanimous Vote.

Respectfully submitted,

Denise L. Cicerelle
Municipal Clerk