

REGULAR MEETING

The Franklin Township Committee held their regular monthly meeting at 7:00 pm on Monday, March 02, 2009. Mayor Bonnie Butler 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 were: Mayor Bonnie Butler, Jeffrey DeAngelis, Michael Ferri, Michael Toretta, Denise L. Cicerelle, Municipal Clerk, Brian Tipton, Esq., Michael Finelli, Engineer.

Following the flag salute the Regular Meeting Minutes of February 2nd, 2009 were accepted on motion by Jeffrey DeAngelis and seconded by Michael Finelli, all in favor. Executive Session Meeting Minutes of February 2nd, 2009 were accepted on motion by Michael Toretta, and seconded by DeAngelis, all in favor. Bid Opening Synopsis of February 25th was approved to be released on motion by Michael Ferri and seconded by Michael Toretta, all in favor.

A representative from the New Jersey State Police was present with no concerns voiced by Committee or Public.

This evening the Historic Commission came to speak with the committee on the following issues, Joe Flynn spoke on behalf of the commission: (present from the commission Joe Flynn, Brenda Higgins, Judy Rosensteel, Linda Feltovic, Amy Perkins, Bonnie Hamler, Fred Kinney)

1. Edison Road was the first cement road, would like to signify this historic element in the township as others with signs.
2. Cemeteries; reviewed tax maps identified where they are, can these be included on the tax maps by the engineer?
3. Would like to have a more significant role in the Scenic Byway/Rt. 57 Corridor meetings. Mayor Butler informed that there is a meeting being held at our municipal building on March 30th, welcome to come.
4. Historical Commission meets the 3rd Monday of every month.
5. A recorder has been purchased. Mayor advised that once the budget is approved they can give them a firm figure to work with.

PUBLIC HEARING and CONSIDERATION

The following **Ordinance 2009-3** was presented for Final Reading/Adoption. Mayor Butler opened the Public Hearing on motion by Michael Ferri and seconded by Jeffrey DeAngelis, unanimous vote. Public comments as follows:

1. Joe Banghart guidelines for spreading manure in spring and the temperatures. Who is this between? Per Mayor Butler this ordinance is essentially between the township and ISE Farms.

2. Linda Feltovic; how does this help with the fly issue for the non-farmers and to keep the flies to a minimum? This was a nightmare 7-10 years ago with the spreading of the manure and it has been good for the last past year. Mayor Butler commented that the fly issue was due to the liquid manure. Committeeman DeAngelis commented that any issues with this change will be addressed and this ordinance can be changed; immediately stopped. Mayor Butler further indicated that this ordinance amendment limits a zone where manure can be spread.

3. Pence Ziegler commented as to the fly larva. Mayor Butler informed that ISE Farms is closely monitored and releases parasitic wasps that will eat fly eggs.

4. Karen Chiu questioned if this ordinance was something new? Mayor Butler commented that this ordinance pertains to the release of the manure from ISE Farms to be spread in the farmers' fields, last year it was on a limited basis.

A motion to close the Public Hearing was made by Michael Ferri and seconded by Michael Toretta, unanimous vote. Motion to adopt by Ferri and seconded by Michael Toretta. Roll Call Vote, below.

The following **Ordinance 2009-3** was presented for Final Reading/Adoption

**TOWNSHIP OF FRANKLIN
ORDINANCE NO. 2009-3**

**AN ORDINANCE AMENDING AN ORDINANCE OF THE CODE OF THE
TOWNSHIP OF FRANKLIN (SAID ORDINANCE COMMONLY KNOWN AS
"POULTRY BUSINESSES"), COUNTY OF WARREN,
AND STATE OF NEW JERSEY**

The within amendment to this Ordinance was moved by Michael Ferri and seconded by Michael Toretta and upon roll call vote was adopted.

Roll Call Vote	Yes	No	Absent/Abstained
Mark Blaszk			X
Jeffrey DeAngelis	X		
Michael Ferri	X		
Michael Toretta	X		
Mayor Bonnie Butler	X	(4) Yes (1) Absent	
		Motion Carried	

Dated: February 2009

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 2, 2009. Second reading, public hearing will be held on March 2, 2009 at or near 7:00 PM in the Franklin Township Municipal Building, 2093 Rt. 57, Broadway, NJ 08808.

Denise L. Cicerelle, RMC/CMR

Raffle Application **RA 2009-2** was submitted by PTA Warren County Technical School, on motion by Michael Ferri and seconded by Jeffrey DeAngelis application approved to issue license accordingly.

Roll Call Vote	Yes	No	Absent/Abstained
Mark Blaszk			X
Jeffrey DeAngelis	X		
Michael Ferri	X		
Michael Toretta	X		
Mayor Bonnie Butler	X	(4) Yes (1) Absent	Motion Carried

Raffle Application **RA 2009-3** was submitted by PTA Warren County Technical School, on motion by Jeffrey DeAngelis and seconded by Michael Toretta application approved to issue license accordingly.

Roll Call Vote	Yes	No	Absent/Abstained
Mark Blaszk			X
Jeffrey DeAngelis	X		
Michael Ferri	X		
Michael Toretta	X		
Mayor Bonnie Butler	X	(4) Yes (1) Absent	Motion Carried

Agenda Item#7 was not entertained; charitable clothing bins/fund raiser due to the trooper not in attendance to present this to the committee with the details.

CONSIDERATION/AWARD

Millbrook Road Stabilization bids were opened this past Wednesday, February 25th at 9:30 am by Engineer Duveneck. 7 Bids were received/for details see Bid Opening Synopsis, dated February 25th, 2009. Engineer Finelli informed the committee that we received a state grant in the amount of \$300,000 for this project and the bid amount for the apparent low bidder, Pave-King came in at \$193,450.00. Grant money received can only be used for that specific project and relationship to project works and nothing else. Engineer suggested to meet in the field and go over the project with representatives of the township to put this grant money received to good use. Committeeman Ferri conveyed that any change orders to this project will need to be approved by himself or the mayor prior to the work being done or the change order will not be paid. Engineer Finelli acknowledged this request. Committeeman Toretta concerned that the bid came in considerably lower than the grant money received, any protection for the township that the contractor won't bring in additional cost knowing that money is available. Engineer Finelli is confident that bid came in as priced, and that's where it should end without flaw or error. When a contractor bids a project they will only get what the contract quoted. Committeeman Ferri commented as to where in bid specifications is the cost of guardrails? Engineer Finelli stated that it is apart of the unit cost within the soldier piles. Also some of the old guardrail may be in a condition to also be used.

The following **Resolution 2009-45** was presented for First Reading/Adoption.

**RESOLUTION OF THE TOWNSHIP OF FRANKLIN
Warren County, New Jersey**

RESOLUTION NO. 2009-45

Title or Subject: Resolution of Award, Millbrook Road Stabilization Project

Be It Resolved, that on March 2, 2009 the Township Committee of the Township of Franklin adopted **Resolution 2009-45** to award a contract for various construction items to perform the necessary construction to complete the Millbrook Road Stabilization project, a New Jersey Department of Transportation Local Aid Discretionary Grant funded project, with a total project grant award in the amount of \$300,000.00.

Be It Further Resolved, that the Township Committee of the Township of Franklin does hereby award the project to Pave-King, Inc. from Kenvil, NJ, for a total bid price of \$193,450.00, as listed and outlined within their completed project bid specification which was opened and read on February 25, 2009. Contract Duration 60 days.

ATTEST:

**TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF FRANKLIN**

*Denise L. Cicerelle, RMC/CMR
Municipal Clerk*

Bonnie Butler, Mayor

Date of Adoption: March 2, 2009

On motion by Michael Ferri and seconded by Jeffrey DeAngelis the aforementioned **Resolution 2009-45** be adopted as read.

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

(4) Yes (1) Absent Motion Carried

Certification

I, Denise L. Cicerelle, 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 2, 2009.

*Denise L. Cicerelle, RMC/CMR
Municipal Clerk*

REPORTS/UPDATES/DISCUSSIONS

Engineer's Report – Engineer Finelli gave a brief overview of items.

#2. Waste Water Management Plan – Mr. Finelli spoke with another engineer working with another municipality, DEP will be giving us an extension of time on the July 7th deadline.

#9 Highlands Plan Conformance – Module 1 complete and to be mailed out this week. 5 more modules to come.

Mayor received a letter in reference to a TWA Application for Scott Demasi estate of Joseph Demasi, failed septic to apartment and house, requires the mayors signature advising we are aware of the application, regulation of the permit. Engineer Finelli informed that all looks in order Section A-1 on TWA approve mayor to sign.

On motion by Michael Ferri and seconded by Michael Toretta.

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

(4) Yes (1) Absent Motion Carried

Committeeman Ferri inquired as to an update on the Willow Grove Road project – Engineer Finelli advised that a field crew is going out any day now, project just getting started. Engineer Duvneck will contact Mr. Ferri.

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 Duvneck 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 Duvneck 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). SHPO has requested that we answer questions/concerns submitted by the Warren County Morris Canal Commission.
- Our office forwarded a correspondence to the Warren County Morris Canal Committee in answer to questions they raised in their review of the project. Once the concerns of the Canal Committee have been addressed, the project may be in a position to proceed to the design phase.
- 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 cautiously optimistic that the project can move forward into the design phase.
- 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 to develop the proposed detention basin. In the past, we have had only marginal success in discussing the project with the Chiu’s.
- Our office is currently in the process of attempting to schedule a meeting with Mr. Chiu.

2. TOWNSHIP WASTEWATER MANAGEMENT PLAN

- 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 year from the date of the adoption of the rules which would be July 7, 2009. If a WMP is not submitted, the Township would be subject to the withdrawal of any wastewater service area designations. This matter will need to be ultimately resolved regarding the Township's position on submitting an updated WMP. Should the Township decide to move forward with the development of a WMP, monies will need to be budgeted in 2009 for this work.
- 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 and, in some detail, at the January Committee meeting. 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 no extensions granted to Highlands municipalities within Warren County. Therefore, the due date remains July 7, 2009. At this juncture, complying with a July 7, 2009 submission deadline is becoming nearly impossible.

3. MILLBROOK ROAD ROADWAY FAILURE

- The Township DPW previously alerted our office to a significant problem to an existing section of Millbrook Road. Subsequently, we inspected a section of Millbrook Road which has exhibited significant failure. The section of the roadway in question is further north and beyond the limits of the Millbrook Road Realignment Project.
- At the November 5, 2007 Township Committee Meeting, the Township Committee authorized our office to prepare an NJDOT Discretionary Grant Application based upon confirmation from the NJDOT that the application was both fundable and appropriate through this grant program. Our office completed and submitted the Discretionary Aid Grant Application to the NJDOT for consideration (refer to separate correspondence, dated December 24, 2007).
- The Township previously received notification that we were successful in obtaining a \$300,000 grant to stabilize and remediate the damage to the roadway.
- The construction plans and supporting bid documents were completed and the project was advertised for bid with a bid opening date of Thursday, February 25, 2009. Please refer to a future separate correspondence (not developed as of the time of completion of this Engineer's Report) to be generated by our office where we hope to be in a position to make a contract award recommendation for the March 2, 2009 Township Committee Meeting.

4. SAFE ROUTES TO SCHOOLS GRANT APPLICATION (SRTS) (No change since last month's report)

- The Township previously received a NJDOT Safe Routes to Schools Grant Application notice. The applications were due on April 18, 2008. According to the application criteria, the sidewalk project must be within two (2) miles of a school.

- 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 submitted the application electronically and received confirmation that the application was received by the NJDOT in advance of the April 18, 2008 deadline. To date, we have not been notified of any grant awards through this program.

5. 2009 NJDOT MUNICIPAL TRUST FUND APPLICATIONS

- Our office completed the grant applications associated with the 2009 NJDOT Transportation Trust Fund. Applications for portions of both Willow Grove Road (0.17 miles in the amount of \$147,532.00) and Good Springs Road (1.52 miles in the amount of \$209,910.00) have been prepared utilizing the System for Administering Grants Electronically (SAGE) procedure. These applications were approved via Resolution by the Township Committee at the June 2, 2008 Committee Meeting.
- I am very pleased to report that the Township has received notification of a grant allocation for Willow Grove Road Section II in the amount of \$120,000. This project should be considered when developing the 2009 Township budget.
- At the January, 2009 Township Committee Meeting, our office received authorization to begin preparing the construction plans and bid specifications for this project. Currently, our office is coordinating a field meeting with Committeeman Ferri and Ron Read to review the existing conditions of the roadway (including some related drainage concerns) prior to our office finalizing any design features and/or proposed improvements for this section of Willow Grove Road.

6. SMITH PROPERTY SUBDIVISION

- Our office met with Attorney Zaiter and coordinated with Attorney Schneider regarding development of the subdivision application on behalf of the Township. Our office has completed both a Preliminary Plat and Final Major Subdivision Plat representing the subdivision of this property into three separate tax lots. The subdivision application was heard at the October 1, 2008 Land Use Board Meeting where both Preliminary and Final Major Subdivision approval were secured.
- The Final Plats for this subdivision have now been signed by all parties with the exception of Warren County. Recently, we spoke with the Township Attorney's office regarding the re-submittal of a deed for a proposed sight triangle easement being requested by Warren County. The deed for the revised easement was submitted on February 23, 2009 which we believe will allow for the County to sign the Plat and for the Plat to be recorded. This would perfect the subdivision of the property.

7. TOWNSHIP RECREATIONAL FIELDS COMPLEX

- 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 Blaszk, 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. It was decided to wait until the subdivision of the property (ref. report item #6) was perfected before the application is submitted to reduce the total acreage of the property which will reduce the required application fees.

8. OIL AND CHIP PROGRAM

- The Washington Township Department of Public Works expressed an interest in a shared services agreement with other municipalities to perform their yearly Oil and Chip program. In prior years, Franklin Township “teamed-up” with Washington Township to bid the Oil and then worked together to haul the stone with the application of the stone being performed by the Warren County Road Department. Each municipality purchased the amount of stone needed for their projects within their respective municipality. Harmony Township has also expressed an interest in meeting to discuss the logistics of an agreement to perform this work collectively. At the February 2, 2009 Committee meeting, the Township Committee authorized our office to coordinate with Ron Read, Township DPW, regarding a shared services arrangement with neighboring municipalities for a potential 2009 Oil and Chip program.
- Our office was present at a recent meeting with representatives of the three (3) municipalities, Franklin, Harmony and Washington Townships. After the meeting, Nevitt Duveneck coordinated with Assistant County Engineer Jim Bernaski regarding their bidding process for Oil and Chip. It appears that there is a distinct possibility that the bid price for the County could be extended to Warren County municipalities. The bid opening is set for March 19, 2009 after which our office will coordinate further with the Assistant County Engineer regarding extension of this bid to the municipalities.

9. HIGHLANDS PLAN CONFORMANCE

- As previously referenced in Engineer’s Report item #2, 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.
- Our office has nearly completed Conformance Module 1. This module should be in a position for submission to the Highlands Council in the near future. It is my understanding that Planner McGroarty has made application(s) to the Highlands for the Grants associated with the Plan Conformance process. Module 1 is a \$15,000 grant. 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.

Attorney Report on file – Mayor Butler commented as to our volunteer organizations getting background checks and finger printed. Fire Company already does this. Per Attorney Tipton cost would be picked up by each organization. Committeeman

DeAngelis will follow up with insurance company as to a special form and clerk will follow up with fire chief as to a special form and where conducted.

Zoning Officer – Not present.

Recycling Coordinator – Not present.

Open Space Committee - Not present.

Committee Reports –

Jeffrey DeAngelis – Reported that PAIC conducted a survey of the municipal building and the road garage and were pleasantly surprised of how up to date we are. Minor issues that we need to acknowledge came about by the survey as follows:

1. Flashing due to water damage of the roof
2. MSDS sheets need to be kept on file by our DPW
3. Training for our DPW employees is due for Hazardous Communications and Blood Borne Pathogens
4. Post a summary/log showing WC Claims. Attorney Tipton to look into this and Committeeman DeAngelis to follow up on this as well. Also Albert Krouse of the Franklin Fire Department advised to contact Donna Rhue, WC Health Education through the Health Department for classes needed.

Mayor Butler informed of a meeting being held at our Municipal Building on March 30th at 7 pm by Heritage Conservancy as to the Rt. 57/Scenic Byway. We need a liaison. Committeeman DeAngelis offered to be the liaison.

Committeeman Ferri received quotes for sweeping roads soon, approximately \$10,000. Also a broom for the tractor is needed, can't be mounted on front of tractor it needs to be put on the rear. Road Foreman still waiting on a 2nd quote for the heat at the road garage. Mr. Ferri recommends we insulate first then have the heat replaced. Obtaining quotes to replace the front door.

Raymond Read/OEM – Not present.

Open Public Session –

Joe Flynn – with an update on the curtain to be installed in community center. Will be the color to match padding on the walls. Mr. Flynn spoke with the head of maintenance at the Franklin School, he can come with floor scrubber from school but needs approval from board of education. In reference to front doors needed at municipal building, can get them with logs that tracks people in and out of the building, approximately \$1000 a door and the report of visitors can be viewed on a laptop. Fob/keypad both needed. There is a leak in the community center, looks like it is coming from the sprinkler head. Mayor advised that the sprinkler system is a dry system, they will look into this after the meeting.

Joe Banghart – a question to Attorney Tipton, in general, if someone comes onto your property from off of a public ROW legally whose responsibility, property owner? Attorney commented would have to know why or how they got onto the property from the ROW, and that it would depend on what caused the person to go off the ROW. Municipality has additional protection under Title 59.

EXECUTIVE SESSION

BE IT RESOLVED, on this 2nd day of March, 2009, 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/Singley Litigation

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 2nd, day of March, 2009 by the Franklin Township Committee, that the matter stated will be discussed in executive session, said session to commence at 8:21 p.m.

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

On motion by Jeffrey DeAngelis and seconded by Bonnie Butler to return to the regular session 8:45 p.m. Unanimous Vote

On motion by Mark Blaszk and seconded by Jeffrey DeAngelis to pay the appropriate bills, excluding 2 bills which need further clarification, JCP&L (traffic signal), Community Prevention Resources

ROLL CALL VOTE	YES	NO	ABSENT/ABSTAINED
Mark Blaszk			X
Jeffrey DeAngelis	X		
Michael Ferri	X		
Michael Toretta	X		
Mayor Bonnie Butler	X		

(4) Yes (1) Absent Motion Carried

On motion by Michael Toretta and seconded by Jeffrey DeAngelis, hearing no objection, meeting stands adjourned at 8:47 pm. Unanimous Vote.

Respectfully submitted,

Denise L. Cicerelle
Municipal Clerk