

## REGULAR MEETING

The Franklin Township Committee held their regular monthly meeting at 7:00 pm on Monday, May 04, 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, Committeemen: Mark Blaszka, Jeffrey DeAngelis, Michael Ferri and Michael Toretta, Brian Tipton, Township Attorney, Michael Finelli, Township Engineer, Jim Onembo, Zoning/Code Enforcement, Roger Bulava, Recycling, Denise L. Cicerelle, Municipal Clerk. Anthony Ardito was present for the Public Hearing of the 2009 Municipal Budget.

**Roll Call** of Committeepersons: 5 present

Following the flag salute the Regular Meeting Minutes of April 6th, 2009 were accepted on motion by Mark Blaszka and seconded by Michael Ferri, all in favor. Executive Session Meeting Minutes of April 6th, 2009 were accepted on motion by Mark Blaszka, and seconded by Michael Ferri, all in favor.

At this time, George Buniak a coach of the Franklin Township Youth Association and Mayor Butler, presented the Diane Fraind Memorial Award to Peter DesPres. This is awarded to a youth of the township that best overcomes diversity in Youth Sports. Peter received a \$200 savings bond and his name will be engraved on a plaque.

The first order of business Mayor Butler opened the hearing for the **2009 Municipal Budget**, for the Township of Franklin, County of Warren, State of New Jersey. Anthony Ardito was present for any questions and commented that the 2009 budget can be heard tonight but not adopted due to the state back log to exam our budget. Although the state completed and faxed a copy of the exam issues at 3:45 this afternoon, not enough time for us to address and to commence with the adoption. Every 3 years the state will exam the municipality's budget prior to the adoption. We can either have a special meeting or adopt at our June 1<sup>st</sup> meeting. Mayor Butler informed that last year the eliminated State Aide was \$116,453 and this year it is reduced by \$13,912. On motion by Michael Ferri and seconded by Michael Toretta to open the public hearing with a unanimous vote.

Jim Onembo commented at to the State Aide being contained in our budget or what Franklin Township is allotted? Joe Flynn commented as to the Recreation Trust Fund, Mayor Butler to confer with CFO on the balance.

On motion by Mark Blaszka and seconded by Michael Toretta to close the Public Hearing of the 2009 Municipal Budget.

### **INTRODUCTION/ADOPTION OF:**

The following **Resolution 2009-53** was presented for Introduction/Adoption. Committee DeAngelis explained that the insurance company requested that we adopt a Notice of Claim Form, if someone wanted to sue the town on an adopted form. They would have 90 days after the incident to make the claim. Attorney Tipton has reviewed this claim form from one of his other municipalities and the form has more than what is required making the applicant as well as their attorney do a little more work in order to submit the claim.

**RESOLUTION 2009-53  
OF THE TOWNSHIP OF FRANKLIN,  
WARREN COUNTY, NEW JERSEY,  
GOVERNING BODY**

**WHEREAS**, the Public Alliance Insurance Coverage Fund is authorized by statute to provide insurance coverage for local units of government who are desirous of same;

**WHEREAS**, Franklin Township, Warren County, NJ is a member of the Public Alliance Insurance Coverage Fund;

**WHEREAS**, N.J.S.A. 59:8-6 authorized public entities to require information in addition to that specified in N.J.S.A. 59:8-4 for the proper investigation and/or resolution of such claims; and

**WHEREAS**, the Public Alliance Insurance Coverage Fund has recommended that each of the participating public entities adopt and approve a Notice of Tort Claim form in the form attached to this resolution;

**NOW, THEREFORE, BE IT RESOLVED** by the Township of Franklin in Warren County, NJ, that:

1. Franklin Township, Warren County, NJ, hereby adopts and approves the attached Notice of Claim form pursuant to N.J.S.A. 59:8-6;
2. Nothing in this resolution shall be construed as invalidating any Notice of Claim form authorized by Franklin Township, Warren County, NJ, and/or the Public Alliance Insurance Coverage Fund prior to the implementation of this resolution.

The within **Resolution 2009-53** was moved by Jeffrey DeAngelis and seconded by Michael Ferri and upon roll call vote was passed.

| <b>Roll Call Vote:</b> | <b>Yes</b> | <b>No</b> | <b>Absent/Abstained</b>   |
|------------------------|------------|-----------|---------------------------|
| Mark Blaszka           | X          |           |                           |
| Jeffrey DeAngelis      | X          |           |                           |
| Michael Ferri          | X          |           |                           |
| Michael Toretta        | X          |           |                           |
| Mayor Bonnie Butler    | X          | (5) Yes   | (0) Absent Motion carried |

**CERTIFICATION**

**Certification:** I, Denise L. Cicerelle, Municipal Clerk of the Township of Franklin, County of Warren, do hereby certify that the foregoing is a true and exact copy of the resolution adopted by the Franklin Township Committee on Monday, April 6, 2009.

Denise L. Cicerelle, RMC/CMR  
Municipal Clerk

**FIRST READING/INTRODUCTION OF:**

The following **Ordinance 2009-4** was presented for First Reading/Introduction April 6<sup>th</sup> 2009 but was tabled. Presented again on May 4<sup>th</sup>, 2009 for introduction. The committee decided after a discussion ensued that further detail is still needed and areas of this ordinance still need to be ironed out prior to introduction. Fees collected every year or every 3 years in the amount of \$25. Roger Bulava, Recycling Coordinator commented the township could indirectly get credit for the recycle of clothes. Committeeman DeAngelis commented as to the clutter found around the outside of these bins, such as play pens. Jim Onembo replied that there is enough in our ordinances that he would be able to go after the property owners directly that debris is not allowed. In the case of, many bins, the clothing received gets shredded and used for rags. Sam Santini commented as to a bin that was on his property the companies that place these bins don't answer their phones, left messages and took 4 months then the bin was finally picked up in the middle of the night. Jeff Day commented that these bins are being sent overseas, tractor trailers are running 24 hours long, going to deep pockets. Karen Chiu commented if ordinance could restrict to just charitable organizations. Attorney Tipton advised that there are more problems limiting, you can prohibit but anything can be challenged. Committeeman Toretta questioned if you could designate where in the township bins could be placed? Attorney advised as to zoning regulations. Committee again has decided to table this ordinance for introduction at June 1<sup>st</sup>, 2009 meeting.

On motion by Michael Toretta and seconded by Jeffrey DeAngelis.

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

**ORDINANCE NO. 2009-4**

**ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF WARREN, STATE OF NEW JERSEY, OF THE CODE OF THE TOWNSHIP OF FRANKLIN TO REGULATE DONATION CLOTHING BINS.**

WHEREAS, the Committee of the Township of Franklin, County of Warren, State of New Jersey, is required by law to regulate donation clothing bins;

WHEREAS, N.J.S.A. 40:48-2.61 sets forth the regulations for the placement and use of clothing bins for solicitation purposes.

NOW, THEREFORE, BE IT ORDAINED by the Committee of the Township of Franklin, County of Warren, State of New Jersey that Chapter 65, "Clothing Bins," of the Code of the Township of Franklin shall read as follows:

Section 1:

**CHAPTER 65**

**CLOTHING BINS**

**§ \_\_\_-1. Requirements for placement, use of clothing bin for solicitation purposes.**

No person shall place, use, or employ a donation clothing bin, for solicitation purposes, within the Township of Franklin, unless all of the following requirements are met:

a. The person has obtained a permit, valid for 3 years, from the Franklin Township Clerk in accordance with the following:

(1) In applying for such a permit, the person shall include:

(a) the location where the bin would be situated, as precisely as possible;

(b) the manner in which the person anticipates any clothing or other donations collected via the bin would be used, sold, or dispersed, and the method by which the proceeds of collected donations would be allocated or spent;

(c) the name, and telephone number of the bona fide office required pursuant to subsection b. of this section, of any entity which may share or profit from any clothing or other donations collected via the bin; and

(d) written consent from the property owner to place the bin on his property;

(2) The Franklin Township Clerk shall not grant an application for a permit to place, use, or employ a donation clothing bin if it determines that the placement of the bin could constitute a safety hazard. Such hazards shall include, but not be limited to, the placement of a donation clothing bin within 100 yards of any place which stores large amounts of, or sells, fuel or other flammable liquids or gases;

(3) The fee for such application shall be \$25

(4) An expiring permit for a donation clothing bin may be renewed for an additional 3 year period upon application for renewal and payment of \$25 to the Township Clerk. Such application shall include:

(a) the location where the bin is situated, as precisely as possible, and, if the person intends to move it, the new location where the bin would be situated after the renewal is granted and written consent from the property owner to place the bin on his property;

(b) the manner in which the person has used, sold, or dispersed any clothing or other donations collected via the bin, the method by which the proceeds of collected donations have been allocated or spent, and any changes the person anticipates it may make in these processes during the period covered by the renewal; and

(c) The name, and telephone number of the bona fide office required pursuant to subsection b. of this section, of any entity which shared or profited from any clothing or other donations collected via the bin, and of any entities which may do so during the period covered by the renewal; and

(5) the permit number and its date of expiration shall be clearly and conspicuously displayed on the exterior of the donation clothing bin, in addition to the information required pursuant to subsection c. of this section;

b. The person, and any other entity which may share or profit from any clothing or other donations collected via the bin, maintains a bona fide office where a representative of the person or other entity, respectively, can be reached at a telephone information line during normal business hours for the purpose of offering information concerning the person or other entity. For the purposes of this

subsection, an answering machine or service unrelated to the person does not constitute a bona fide office; and

c. The following information is clearly and conspicuously displayed on the exterior of the donation clothing bin:

(1) The name and address of the registered person that owns the bin, and of any other entity which may share or profit from any clothing or other donations collected via the bin;

(2) The telephone number of the person's bona fide office and, if applicable, the telephone number of the bona fide office of any other entity which may share or profit from any clothing or other donations collected via the bin;

(3) In cases when any entity other than the person who owns the bin may share or profit from any clothing or other donations collected via the bin, a notice, written in a clear and easily understandable manner, indicating that clothing or other donations collected via the bin, their proceeds, or both, may be shared, or given entirely to, an entity other than the person who owns the bin, and identifying all such entities which may share or profit from such donations; and

(4) A statement, consistent with the information provided to the appropriate municipal agency in the most recent permit or renewal application pursuant to subparagraph (b) of paragraph (1) of subsection a. of this section and subparagraph (b) of paragraph (4) of subsection a. of this section, indicating the manner in which the person anticipates any clothing or other donations collected via the bin would be used, sold, or dispersed, and the method by which the proceeds of collected donations would be allocated or spent.

**§ \_\_\_\_-2. Receipt, investigation of complaints relative to donation clothing bin.**

a. The Franklin Township Zoning Officer shall receive and investigate, within 30 days, any complaints from the public about the bin. Whenever it appears to the appropriate municipal agency that a person has engaged in, or is engaging in any act or practice in violation of the Ordinance, the person who placed the bin shall be issued a warning, stating that if the violation is not rectified or a hearing with the Township Zoning Officer is not requested within 45 days, the bin will be seized or removed at the expense of the person who placed the bin, and any clothing or other donations collected via the bin will be sold at public auction or otherwise disposed of. In addition to any other means used to notify the person who placed the bin, such warning shall be affixed to the exterior of the bin itself.

b. In the event that the person who placed the bin does not rectify the violation or request a hearing within 45 days of the posting of the warning, the Township of Franklin may seize the bin, remove it, or have it removed, at the expense of the person who placed the bin, and sell at public auction or otherwise dispose of any clothing or other donations collected via the bin. Any proceeds from the sale of the donations collected via the bin shall be paid to the Franklin Township Chief Financial Officer.

**§ \_\_\_\_-3. Additional penalties, remedies.**

In addition to any other penalties or remedies authorized by the laws of this State, any person who violates any provision of this Chapter which results in seizure of the donation clothing bin shall be:

a. Subject to a penalty of up to \$20,000 for each violation. 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

b. Deemed ineligible to place, use, or employ a donation clothing bin for solicitation purposes pursuant to section 2 of P.L.2007, c.209 (C.40:48-2.61). A person disqualified from placing, using, or employing a donation clothing bin by violating the provisions of P.L.2007, c.209 (C.40:48-2.60 et seq.) may apply to the Franklin Township Clerk to have that person's eligibility restored. The appropriate municipal agency may restore the eligibility of a person who:

- (1) Acts within the public interest; and
- (2) Demonstrates that he made a good faith effort to comply with the provisions of P.L.2007, c.209 (C.40:48-2.60 et seq.) and all other applicable laws and regulations, or had no fraudulent intentions.

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.

Section 4:

Effective Date. This Ordinance shall take effect upon final passage and publication as provided by law.

**NOTICE**

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Committee of the Township of Franklin held on April 6, 2009, and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Township Committee to be held on May 4, 2009 at 7:00 p.m. or as soon thereafter as the Township Committee may hear this Ordinance at the Municipal Building, 2093 Rt. 57, Broadway, NJ, at which time all persons interested may appear for or against the passage of said Ordinance.

Denise L. Cicerelle, RMC/CMR  
Municipal Clerk

| <b>Roll Call Vote</b> | <b>Yes</b>                | <b>No</b> | <b>Absent/Abstained</b> |
|-----------------------|---------------------------|-----------|-------------------------|
| Mark Blaszk           |                           |           |                         |
| Jeffrey DeAngelis     |                           |           |                         |
| Michael Ferri         |                           |           |                         |
| Michael Toretta       |                           |           |                         |
| Mayor Bonnie Butler   |                           |           |                         |
|                       | ( ) Yes ( ) No ( ) Absent |           |                         |
|                       | Motion Carried            |           |                         |

Dated: April 6, 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 April 6, 2009. Second reading, public hearing will be held on May 4, 2009 at or near 7:00 PM in the Franklin Township Municipal Building, 2093 Rt. 57, Broadway, New Jersey.

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

**PULIC HEARING AND CONSIDERATION OF:**

The following **Ordinance 2009-5** was presented for First Reading/Introduction (**United Telephone Company Use of Various Public Roads, Streets or Highways for local and through lines and Communications Facilities and Prescribing the Conditions**) Mayor Butler informed that due to insufficient notice posting and advertisement of said ordinance by Attorney for United Telephone, that this ordinance will be tabled until June 1<sup>st</sup>, 2009.

On motion by Mark Blaszk and seconded by Michael Ferri to table.

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

**TOWNSHIP OF FRANKLIN  
WARREN COUNTY, NEW JERSEY  
Ordinance No. 2009-5**

**AN ORDINANCE REGULATING THE STATUTORY AUTHORITY OF UNITED TELEPHONE COMPANY OF NEW JERSEY, INC., ITS SUCCESSORS AND ASSIGNS TO USE THE VARIOUS PUBLIC ROADS, STREETS, OR HIGHWAYS IN THE TOWNSHIP OF FRANKLIN, WARREN COUNTY, NEW JERSEY, FOR ITS LOCAL AND THROUGH LINES AND OTHER COMMUNICATIONS FACILITIES AND PRESCRIBING THE CONDITIONS THEREOF.**

**BE IT ORDAINED** by the Mayor & Committee of the Township of Franklin, Warren County, New Jersey that:

**SECTION 1:** Pursuant to the provisions of N.J.S.A. 48:17-10, N.J.S.A. 48:17-11, and N.J.S.A. 48:17-12, non-exclusive permission and consent is hereby granted to United Telephone of New Jersey, Inc., ("Company"), its successors and assigns, to erect, construct and maintain the necessary poles, wires/cables, conduits, or other fixtures in, upon, along, over or under any public street, road, or highway, and parts thereof, throughout their entire length, and to effect the necessary street openings and lateral connections to curb poles, property lines and other facilities in the Township of Franklin (the "Township") for said Company's local and through lines in connection with the transaction of its business. This Ordinance does not authorize placement of wireless telecommunications facilities within the Township's rights-of-way. This Ordinance also does not authorize Company to construct switching stations in the Township's rights-of-way without separate permission.

**SECTION 2:** All poles and above-ground facilities hereafter located within the rights-of-way shall be placed back of the curb lines where shown on the official map(s) of the Township or other filed maps, surveys or approved site plans that are necessary to establish the location of road rights-of-way. Said facilities shall be located in accordance with applicable standards, including, but not limited to, Township ordinances, Residential Site Improvement Standards, and NJDOT standards, or at the points or places now occupied by the poles or other facilities of Company, or at such other convenient points or places in, upon, along, adjacent, or across the public streets and ways as may be mutually agreed upon between Township and Company. Facilities to service all new residential sub-divisions will be constructed underground unless the property owner obtains the Township's permission otherwise.

**SECTION 3:** Company may bury its facilities within the right-of-way of the various public streets and ways and at such locations as shall be mutually agreed upon by the parties. Underground conduits and associated facilities shall be placed at least eighteen (18) inches below the surface of said public streets and ways and, with the exception of lateral branches to curb poles and property lines and other facilities, the same shall generally not be constructed more than ten (10) feet from the curb line, unless obstructions make it necessary to deviate from such course or unless the parties mutually agree to another location. Manholes shall be located at such points along the line of underground conduits as may be necessary or convenient for placing, maintaining, and operating the facilities which Company may from time to time use in connection with its underground conduit system and shall be so constructed as to conform to the cross-sectional and longitudinal grade of the surface so as not to interfere with the safety or convenience of persons or vehicles.

**SECTION 4:** Any such area affected by Company in constructing its facilities shall be restored to as good condition as it was before the commencement of work thereon. No public streets or ways shall be encumbered for a period longer than shall be reasonable to execute the work. Company shall comply with Township Ordinance(s) regarding road openings.

**SECTION 5:** Company agrees to indemnify and save harmless the Township from and against all claims and liabilities resulting from any injury or damage to the person or property of any person, firm or corporation caused by or arising out of conditions resulting from any negligent or faulty excavation, installation or maintenance connected with its work or equipment. The provisions of this Section shall not be interpreted to relieve the Township from liability to Company or third parties in the event of joint or concurring negligence or fault of Company and the Township; provided, however, that

the legal liability of the Township, if any, shall be determined under applicable law, taking into account the privileges and immunities afforded a governmental entity.

**SECTION 6:** Whenever a curb line shall be established on streets where one does not now exist, or where an established curb line shall be relocated in order to change the width or realign an existing street in conjunction with road construction being performed by the Township, Company shall change the location of its above-ground and below-ground facilities covered by this Ordinance, so that the same shall be back of, and adjacent to, the new curb line so long as the Township has acted in accordance with applicable law and with reasonable care in establishing the new curb line and providing notice thereof. Company shall bear the costs so long as the relocation is not for aesthetic purposes or governed by N.J.S.A. 40A:26A-8.

**SECTION 7:** Any company or corporation having legal authority to place its facilities in the public streets and ways of the Township may jointly use Company's poles, conduits or other fixtures for all lawful purposes, provided that Company consents to such use, on terms and conditions acceptable to Company and not inconsistent with the provisions of this Ordinance, and that said company or corporation has obtained consent from the Township.

**SECTION 8:** If any or all of the said streets or ways are later taken over by the County of Warren or the State of New Jersey, such County or State shall have the rights and privileges and be subject to the same terms, conditions and limitations of use as apply herein to the Township, provided, however, that such satisfactory prior arrangements as may be necessary are made with the Township and Company for the full protection of the respective interest of each.

**SECTION 9:** The term "Township" as used in this Ordinance shall be held to apply to and include any form of municipality or government into which the Township or any part thereof may at any time hereafter be changed, annexed, or merged.

**SECTION 10:** The permission and consent hereby granted shall apply to facilities, existing or hereafter constructed or operated by Company, its predecessors, successors, or assigns. This Ordinance shall cancel and supersede all prior consent ordinances between the Township and Company regarding the subject matter hereof.

**SECTION 11:** This Ordinance shall not affect the ability of the Township to impose real property taxes on the facilities of Company under current law. Further, if in the future applicable law should change so as to enable the Township to impose a franchise fee or other fee, tax, charge, or monetary obligation on Company's operations or facilities hereunder, Company agrees that the provisions of this Ordinance shall not preclude the Township from imposing or collecting such fee, tax, charge or other monetary obligation which may be permitted by law.

**SECTION 12:** Company shall maintain its property within the Township in good condition and shall comply with applicable law for the provision of safe, adequate and proper service at just and reasonable rates, and safeguard the public interest in continuous and uninterrupted service.

**SECTION 13:** Nothing contained in this Ordinance shall be construed to impose an obligation on the part of the Township to open any street not heretofore dedicated or opened to public use, and nothing herein shall be construed as an acceptance by the

Township of any unaccepted street or any part thereof where any pole, wire, conduit, cable or other fixture may exist.

**SECTION 14:** In the event that any public street or way where any pole, conduit, cable or other fixture owned or used by Company exists is vacated by the Township, the Township agrees to reserve unto Company the rights granted by this Ordinance. Township would have no further obligation or responsibility to maintain or provide access to the right-of-way.

**SECTION 15:** If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared to be unenforceable or invalid for any reason whatsoever, such decision or declaration shall not affect the remaining portions of this Ordinance, which shall continue in full force and effect; and to this end the provisions of this Ordinance are hereby declared severable.

**SECTION 16:** Company shall pay the expenses incurred for advertising required in connection with the passage of this Ordinance, after the date of its first reading, within thirty (30) days after Company has received a bill for said advertising.

**SECTION 17:** Following final passage of this Ordinance, the Township Clerk shall provide Company with written notice thereof by certified mail. As provided by applicable law, this Ordinance, and any subsequent amendments, shall not become effective until acceptance by Company and approval by the Board of Public Utilities.

**SECTION 18.** This Ordinance shall take effect in the time and manner prescribed by law.

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Denise Cicerelle, Clerk

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Bonnie Butler,  
Mayor

### NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Committee of the Township of Franklin held on April 6, 2009, and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Township Committee to be held on May 4, 2009 at 7:00 p.m. or as soon thereafter as the Township Committee may hear this Ordinance at the Municipal Building, 2093 Rt. 57, Broadway, NJ, at which time all persons interested may appear for or against the passage of said Ordinance.

Denise L. Cicerelle, RMC/CMR  
Municipal Clerk

On motion by Michael Toretta and seconded by Michael Ferri the aforementioned **Ordinance 2009-5** be adopted as read at first reading.

| <b>Roll Call Vote</b> | <b>Yes</b> | <b>No</b>                 | <b>Absent/Abstained</b> |
|-----------------------|------------|---------------------------|-------------------------|
| Mark Blaszk           | X          |                           |                         |
| Jeffrey DeAngelis     |            |                           | X                       |
| Michael Ferri         | X          |                           |                         |
| Michael Toretta       | X          |                           |                         |
| Mayor Bonnie Butler   | X          | (4) Yes (0) No (1) Absent |                         |

Motion Carried

Dated: April 6, 2009

**PUBLIC HEARING AND CONSIDERATION OF:**

The following **Ordinance 2009-6** was presented for Final Reading/Adoption  
**(Recycling Ordinance Amended)**

Mayor Butler Opened Public Hearing on motion by Mark Blaszk and seconded by Michael Toretta, Unanimous vote. Mr. Bulava reviewed ordinance other than the length no further comment than to mail adopted copy to David Dech at the Warren County Planning Board. Being no other comment from the public, on motion by Mark Blaszk and seconded by Michael Toretta to close the public hearing, unanimous vote.

**TOWNSHIP OF FRANKLIN  
ORDINANCE NO. 2009-6**

**ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF WARREN,  
STATE OF NEW JERSEY, OF THE CODE OF THE TOWNSHIP OF  
FRANKLIN –RECYCLING AMENDMENT**

The within **Ordinance 2009-6** was moved by Mark Blaszk and seconded by Michael Toretta and upon roll call vote was passed/adopted.

| <b>Roll Call Vote</b> | <b>Yes</b> | <b>No</b>                 | <b>Absent/Abstained</b> |
|-----------------------|------------|---------------------------|-------------------------|
| Mark Blaszk           | X          |                           |                         |
| Jeff DeAngelis        | X          |                           |                         |
| Mike Ferri            | X          |                           |                         |
| Mike Toretta          | X          |                           |                         |
| Mayor Bonnie Butler   | X          | (5) Yes (0) Absent (0) No |                         |

Motion Carried

**APPROVAL**  
**(Spring Clean Up Quotes, 2 quotes were received)**

**Waste Management of NJ, Ewing, NJ**

Two (2) Rear Load Compactor Trucks, \$1,200.00/day for each truck  
 30 yard roll off containers, \$615/pull, 5 ton limit, \$71/ton for overweight

**Sanico, Inc., Delaware, NJ**

Trucking Prices, in state disposal  
 Cost per packer truck or trash, \$535.00/load  
 Cost per container of trash, \$195.00/pickup  
 Cost per container of metal waste/\$75.00/pickup

Disposal Prices, in state,  
 Disposal cost of trash, \$63.00/ton

Mr. Bulava recommends Sanico, comparing the quotes and they are familiar with our process and the price of the quote seems considerably lower. Mr. Bulava will work with Sanico on the removal of refrigerants, responsibility of municipality.

On motion by Jeffrey DeAngelis and seconded by Mark Blaszkka to approve the quote from Sanico.

| <b>Roll Call Vote</b> | <b>Yes</b> | <b>No</b> | <b>Absent/Abstained</b> |
|-----------------------|------------|-----------|-------------------------|
| Mark Blaszkka         | X          |           |                         |
| Jeff DeAngelis        | X          |           |                         |
| Mike Ferri            | X          |           |                         |
| Mike Toretta          | X          |           |                         |
| Mayor Bonnie Butler   | X          | (5) Yes   | (0) Absent (0) No       |
|                       |            |           | Motion Carried          |

Mayor Butler was approached by Trooper Walsh of NJSP asking if clothing bins would be allowed on municipal property to help fund for school programs, known as DARE. A discussion ensued earlier about charitable clothing bins, with the ordinance that was tabled. Only to confirm that the company that would dropping these bins, American Recycling Technologies, are the same people that Sam Santini had on his property and had all the problems. Committee consensus is, No, not to be placed on township property, would be another thing for the township to deal with.

**REPORTS:**

**Engineer:** Mr. Finelli addressed the committee as to a shared services with either Washington Township or Harmony Township for an oil/chip project. Approximate cost would be \$22,370 at estimate market prices. For Buttermilk Bridge Road for the oil would be \$17,000 and for the stone approximately \$5,500.

Mr. Finelli advised that the 2010 Transportation Enhancement Application is due by May 13<sup>th</sup>. Mayor met with Joe Nalio on this and it would be easier to do the sidewalks on the firehouse side, not as many trees. Concrete would be tinted to preserve the historic look of the slate. Per Jim Onembo, some of the homes on that side don't have any sidewalks at this time, would be a Right of Way and easement issue. Joe Flynn commented that this would be a fantastic idea, a crosswalk at the intersection of Main and Maple Avenue to the River Resource building would be great to incorporate into the application. Mayor commented to Mr. Flynn it would be great to gain Historic Commission support on this application. Mr. DeAngelis questioned if the county could help with the funding of this project.

On motion by Michael Ferri and seconded by Mark Blaszkka to authorize the mayor to execute this application.

| <b>Roll Call Vote</b>                       | <b>Yes</b> | <b>No</b> | <b>Absent/Abstained</b> |
|---|------------|-----------|-------------------------|
| Mark Blaszkka                               | X          |           |                         |
| Jeff DeAngelis                              |            |           | X                       |
| Mike Ferri                                  | X          |           |                         |
| Mike Toretta                                | X          |           |                         |
| Mayor Bonnie Butler                         | X          |           |                         |
| (4) Yes (1) Absent (0) No<br>Motion Carried |            |           |                         |

Mr. Finelli touched base on the Waste Water Management Program, will draft a letter prior to next month’s meeting as to specifics. There is a deadline but this has to be an official request from the municipality. Interim Plan would cost \$10,000, grant available to fund this plan and the money will come back to the municipality is something we need to clarify.

Mayor Butler questioned if there was any update on Third Street. Mr. Finelli still trying to facilitate a meeting with Mr. Chiu to secure an easement. Sam Santini mentioned that the water is coming off the east side of the Chiu’s property. A regional detention basin has to be built to collect the water, even if only ½ of the water is collected would be a great improvement in this area.

**1. THIRD STREET DRAINAGE PROBLEMS  
(No change since last month’s report)**

- 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 Duveneck 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 Duveneck 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.
- 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 will need to formally request an extension from the NJDEP, but will need to submit their correspondence assuming wastewater management planning responsibilities to the NJDEP as well.
- Recently, it has been brought to my attention that the NJDEP is amending their requirements for Warren County municipalities relative to the submission of a "complete" WMP prior to the July 7, 2009 deadline. I recently spoke with Rick Brown, NJDEP, 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 prior to the July, 2009 deadline.
- As discussed over the course of the last several months, the Township will need to make a decision on their intention towards the submission of a WMP.

## 3. MILLBROOK ROAD (2008 NJDOT DISCRETIONARY GRANT)

- 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 initial 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 a Discretionary Aid Grant Application to the NJDOT in December, 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.
- Subsequent to the receipt of bids for the project, the Township awarded a contract to the low bidder, Pave-King, Inc. Currently, our office has been coordinating with the contractor regarding execution of the contract documents. At this juncture, we do not have a schedule confirmed for the start of work on this project, although we believe it will be commencing in the near future.
- On Wednesday, April 29, 2009, our office attended a preconstruction meeting with a NJDOT representative and Pave-King. Work is tentatively scheduled to begin by May 15, 2009.

**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.
- We just received information from the NJDOT that the application is still being considered for funding. Funding of the project should be confirmed within the next month. We will advise the Committee immediately upon any decision rendered on this grant application.

**5. 2009 NJDOT MUNICIPAL TRUST FUND APPLICATIONS**

- The Township received notification of a grant allocation for Willow Grove Road Section II in the amount of \$120,000.
- Our office has nearly completed the plans for the project. Nevitt Duveneck has attended a field meeting with Mike Ferri and the DPW to review the work to be completed at the site and has now marked the areas required for milling.
- 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. Accordingly, we plan to put the project out to bid in May with a potential bid opening and award at the June Committee meeting.

## 6. SMITH PROPERTY SUBDIVISION

- We have just been advised that the Final Plat for this subdivision was recorded and filed with Warren County on April 30, 2009.
- The open space parcel requires that Green Acres restriction language is added to the deed. 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. However the deeds are required to reference the date of the filed Final Plat. Now that the Final Plat has been filed, the deeds may be completed and recorded with the County.

## 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. Since the Final Plat for the subdivision of the property (ref. report item #6) has now been filed, we will proceed with the filing of the LOI application to the NJDEP.

## 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 Duvenek 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.
- Our office is coordinated with the County regarding the bid language for the County Oil and Chip bid and unfortunately bid language would not allow the Township to utilize the bid for oil for the municipal oil and chip project. As a result, if the Township would like to perform Oil and Chip for 2009, it requires that the project go out to the bid for the oil.
- It is our understanding that the Township is considering applying Oil and Chip on Buttermilk Bridge Road and Mountain View Road West. At this juncture, we look to the Committee for direction relative to joining Washington Township and Harmony Township in bidding out the oil for the project. We hope to have a rough estimate of the cost to Oil and Chip the two (2) roadways in question for the upcoming meeting.

## **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 completed Plan Conformance Module 1 which has been forwarded to the NJ Highlands Council. On March 30, 2009, representatives of our office were present at a NJ Highlands Informational Session for Module 2: Build-out analysis. As soon as the work associated with Module 1 has been reviewed and approved by the Highlands Council, they will be forwarding their work product back to our office for use in conjunction with the development of Module 2 Build-out analysis.
- 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. Module 2 is a \$10,000 grant. 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.
- On April 28, 2009, the Highlands provided our office with a review of the submitted Module 1 information. Primarily, the comments related to individual lot size and configuration as depicted on the Highlands geo-database. Our office will be performing the revisions to Module 1 and will resubmit same to the Highlands Council in the near future.
- It is our understanding that the Highlands Council has just forwarded the Module 4 CD to the Township. Module 4 is the Environmental Resources Inventory (ERI) component of the Highlands Plan Conformance process. Our office will be coordinating with Chuck McGroarty, P.P., regarding the completion of Module 4. Module 4 is due to be submitted by June 30, 2009.

## **10. 2010 TRANSPORTATION ENHANCEMENT APPLICATION**

- The Mayor authorized our office to prepare a grant application for the replacement of sidewalks in Asbury. We have completed our inspection of the project and are currently preparing the grant application. This roadway is a County Road therefore we must receive County endorsement for the project. We have contacted the County and they will be forwarding the requisite endorsement letter to our office.
- The application is due to be submitted by May 13, 2009 and requires a Resolution of Support from the Township. Joe Nalio from our office is scheduled to meet with Mayor Butler on May 1, 2009 at the project location to review the proposed scope of work per the grant application. Subsequent to this meeting, our office, along with Mayor Butler, will be in a better position to proceed with the completion of the grant application. This matter will need to be discussed in more detail at the May 4, 2009 Township Committee meeting.

**Attorney Report: On File.** Attorney Tipton commented on the “Jake” Braking Draft Ordinance he provided for review. The state and the DEP haven’t taken legal action on this leaving the municipalities to enforce. This issue will be placed on next month’s agenda for further discussion.

**Reports/Updates/Discussions:**

**Committee Reports:**

Michael Ferri – Questioned if Nevitt Duveneck investigated road crossing on upper Willow Grove. Mr. Finelli will look into this.

Michael Toretta – Nothing further to address.

Jeffrey DeAngelis – Mr. DeAngelis relayed quotes for the Key Fob System for the doors last month in his absence. For 3 doors \$6800, didn’t include a computer, 1 criteria ability to program the key fob, swipe key fob programs who is in and out of the building and the use. Can be expanded in the future for other doors. This will solve the keys being passed from person to person in the Community Center. Once a key fobbie is returned we will return their deposit. If they don’t return the key fobbie then they don’t receive their deposit back and it will deactivate so entry to the building won’t be allowed anymore, only for the time that it was programmed for. Mr. Flynn to email info from school’s replacement of their doors to get to Committeeman Ferri. We need to replace the front doors of the municipal building first before we install a key fob system. Mr. DeAngelis also informed that he is already working of the Employee Health Insurance plan.

Mark Blaszk – A York Rake is needed to re-seed the big soccer field in Asbury, to be ready for the fall. Aerator would work better for the re-seeding, as a York Rake will dig up the field.

Bonnie Butler – The Rabies Clinic was brought to our attention of possibly having this at the Tractor Supply Store in Washington per our Animal Control Officer. We need to get the specifics on this and decide if we want to have our own clinic as we always have or do it jointly with other municipalities. A tv commercial was taped on the Wolverton Road Bridge, raising this question, can a township stipulate a fee for closing of a road and the inconvenience it causes for the township and residents? Attorney to look into this further. Paul Rinaldi, Chief School Administrator of the Franklin Township School commented as to a co-op Shared Services with the cleaning of our community center floor, mayor to meet with him on this.

**Zoning Officer:**

Jim Onembo – Started to make rounds in the township with overgrown grass and yards. As to the Foreclosed properties, posting notices, strewn garbage and the fee for the DPW to mow the lawn if necessary. Noxious Weeds Ordinance to Attorney Tipton for review, recent legislature as to foreclosures.

**OEM:**

Raymond Read – not present.

**Open Space Committee:**

No representative present at meeting for updates.

**Open Public Section:**

Jason Soranoski introduced himself, running for Warren County Freeholder and had an open invitation for May 19<sup>th</sup> at the Phillipsburg Public Library.

**EXECUTIVE SESSION**

**BE IT RESOLVED**, on this 4th day of May, 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/Local Health Department Violation**

It is not possible at this time for the Township Committee to determine when and under what circumstances the item which is to be discussed in executive session can be publicly disclosed.

**THEREFORE**, be it resolved on this 4th, day of May, 2009 by the Franklin Township Committee, that the matter stated will be discussed in executive session, said session to commence at 9:08 p.m.

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

On motion by Michael Ferri and seconded by Mark Blaszkka to return to the regular session 9:27 p.m. Unanimous Vote

On motion by Jeffrey DeAngelis and seconded by Michael Ferri to pay the appropriate bills.

| <b>ROLL CALL VOTE</b> | <b>YES</b> | <b>NO</b> | <b>ABSENT/ABSTAINED</b> |
|-----------------------|------------|-----------|-------------------------|
| Mark Blaszkka         | 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 Michael Ferri, hearing no objection, meeting stands adjourned at 9:28 pm. Unanimous Vote.

Respectfully submitted,

Denise L. Cicerelle  
Municipal Clerk

