

**REGULAR MEETING**

The Franklin Township Committee held their regular monthly meeting at 7:00 pm on Monday, May 05, 2008. 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, Mark Blaszk, Jeffrey DeAngelis, Michael Ferri, Michael Toretta, Denise L. Cicerelle, Municipal Clerk, Michael Finelli, Engineer, John Zaiter, Esq., Roger Bulava, Recycling, Jim Onembo, Zoning, Sonny Read, OEM.

Following the flag salute the committee at this time Regular Meeting Minutes of April 7th, 2008 were accepted on motion by Jeffrey DeAngelis and seconded by Mark Blaszk, all in favor. Executive Session Meeting Minutes of April 7th, 2008 were accepted on motion by Michael Ferri, and seconded by Michael Toretta, all in favor.

The first order of business Mayor Butler opened the hearing for the **2008 Municipal Budget**, for the Township of Franklin, County of Warren, State of New Jersey. The aforesaid adoption of the Municipal Budget was moved by Michael Ferri and seconded by Michael Toretta. Mayor Butler opened the Public Hearing, addressed the audience and Governing Body with one comment from Committee DeAngelis as to the State Aide cutbacks and how this affects this years budget. Anthony Ardito was present for any questions and commented that the 2008 budget once adopted can not be re-adjusted and if there were to be any kick backs from the state it will go into our surplus for next year. On motion by Michael Ferri and seconded by Michael Toretta to close the budget hearing with a unanimous vote.

On motion by Michael Ferri and seconded by Michael Toretta to approve the 2008 Municipal Budget.

<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	Motion Carried

The following **Resolution 2008-46** was presented for First Reading/Adoption.

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

**A RESOLUTION  
2008-46**

**WHEREAS**, N.J.S.A.40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and,

**WHEREAS**, N.J.A.C.5:30-7 was adopted by the Local Finance Board on February 11, 1997; and,

**WHEREAS**, pursuant to N.J.A.C.5:30-7.2 thru 7.5 the Township of Franklin has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Township of Franklin meets the necessary conditions to participate in the program for the 2008 budget year, so now therefore,

**BE IT RESOLVED**, by the Township Committee of the Township of Franklin that in accordance with N.J.A.C.5:30-7.6a & b, and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
  - a. Payment of interest and debt redemption charges
  - b. Deferred charges and statutory expenditures
  - c. Cash deficit of preceding year
  - d. Reserve for uncollected taxes
  - e. Other reserves and non-disbursement items
  - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A.40A:45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met. (Complies with the "CAP" law.)
3. That the budget is in such form, arrangement and content as required by the Local Budget Law and N.J.A.C.5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
  - a. All estimates of revenue are reasonable, accurate and correctly stated;
  - b. Items of appropriation are properly set forth;
  - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced, publicly advertised and adopted in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A.40A:4-5, shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

**BE IT FURTHER RESOLVED**, that a copy of this resolution be forwarded to the Director of the Division of Local Government Services.

On motion by Michael Ferri and seconded by Michael Toretta the aforementioned **Resolution 2008-46** be adopted as read.

<b>Roll Call</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) Absent Motion Carried

Dated: May 5, 2008

**CERTIFICATION**

It is hereby certified that this is a true and accurate copy of a Resolution adopted by the governing body of the Township of Franklin at a meeting held on May 5, 2008.

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

\_\_\_\_\_  
Denise L. Cicerelle  
Municipal Clerk

**Certification of Approved Budget**

It is hereby certified that the Approved Budget complies with the requirements of the law and approval is given pursuant to N.J.S.A.40A:4-78(b) and NJAC 5:30-7.

It is further certified that the municipality has met the eligibility requirements of NJAC 5:30-7.4 and 7.5, and that I, as Chief Financial Officer, have completed the local examination in compliance with NJAC 5:30-7.6.

Dated: May 5, 2008

BY: \_\_\_\_\_  
Dawn Stanchina  
Chief Financial Officer

The following **Resolution 2008-45** was presented for First Reading/Adoption

**RESOLUTION#2008-45**

**RESOLUTION AUTHORIZING FRANKLIN TOWNSHIP TO PURCHASE THE DEVELOPMENT RIGHTS TO FRANKLIN PROPERTY (Block 48, Lot 16, Robert and Joann Gardner)**

**WHEREAS**, the State of New Jersey, Department of Agriculture, State Agriculture Development Committee (SADC), provided Franklin Township with a grant under the Municipal Planning Incentive Grant Program to purchase development rights on active farms within the township; and

**WHEREAS**, property owned by Robert and Joann Gardner, known as Block 48, Lot 16, consisting of approximately 93 acres, was designated as a property to be protected under this program under the township farmland preservation plan; and

**WHEREAS**, two fair market appraisals were obtained by the township to establish the value of the development rights on this property, the higher of which set this value at \$6,200 per acre; and

**WHEREAS**, under the grant provided by the SADC) Franklin Township is eligible for funding in the amount of 18% of the cost of the development rights on the farm, and 50% of the associated administrative costs; and

**WHEREAS**, the SADC will provide approximately 64% of the cost of the development rights, and the County of Warren will provide 18% of the costs of the development rights and 50% of the associated administrative costs; and

**WHEREAS**, the township's cost share of the development rights on said property will be approximately \$101,200, and the township's cost share for the administrative costs will be approximately \$8,800, amounting to a total cost to the township of \$110,000; and

**WHEREAS**, the funds for this acquisition will come from the Franklin Township Open Space Trust;

**THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Franklin that it hereby authorizes participation in the purchase of the development rights for the Gardner property for an amount up to \$110,000, the balance of the costs of the project being met by the County of Warren and the State of New Jersey.

**BE IT FURTHER RESOLVED**, by the Township Committee of the Township Franklin that it hereby authorizes the municipal clerk, township attorney and municipal bond counsel, if needed, to take all action necessary and appropriate to effectuate the intent and purpose of this resolution.

**NOW, THEREFORE BE IT RESOLVED**, by a majority of the members of the Governing Body of the Township of Franklin, County of Warren, State of New Jersey that the members seek to effectuate the Resolution and hereby approve it on the date indicated below:

On motion by Mark Blaszk and seconded by Michael Ferri the aforementioned **Resolution 2008-45** be adopted as read.

<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 (1) Abstained	Motion Carried

Dated: May 5, 2008

**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 7, 2008.

Denise L. Cicerelle, RMC/CMR  
Municipal Clerk

Spring Clean Up quotes were sent to 3 agencies for quotes and only 1 quote was received back from Sanico. We have used them for many clean ups in the past.  
 June 14<sup>th</sup> 7am – 4pm at the Municipal Road Garage.

On motion by Jeffrey DeAngelis and seconded by Michael Ferri to accept this quote from Sanico for Spring Clean Up.

<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	Motion Carried

Letter in support of Small Cities received by the Warren County Housing Program, was approved to be signed by Mayor on motion by Jeffrey DeAngelis and seconded by Michael Toretta this was approved.

<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	Motion Carried

Trooper Paruta was in attendance this evening. Mayor Butler advised of a dumping complaint on Wolverton Road.

**REPORTS:**

**Engineer’s Report –**

Mr. Finelli touched base on the following projects as listed below:

Safe Routes to Schools Grant Application – Application amended as per last month’s meeting recommendations from the committee.

Mr. Finelli advised the committee to start thinking about which roads to submit for the 2009 NJDOT Municipal Trust Fund Application. Last year we submitted Willow Grove and Good Spring Roads. Consensus of the committee to resubmit the same roads, Mr. Finelli will look for authorization next month from the committee to move forward.

Mr. Finelli was contacted by Ron Sigler Sr, Mountain View Road West, as to a drainage problem since numerous trees have been cleared near his property. Rocks and silt enter the roadway out of the field and impacting the drainage. Committeeman Ferri will speak with our DPW as to cleaning up the gutters along the road and with the vegetation up the field everything should be corrected.

**1. MILLBROOK ROAD REALIGNMENT PROJECT  
 (No change from last month’s report)**

- As reported at last month’s Committee Meeting, the work associated on this project has been completed. The final NJDOT close-out documentation has been

developed and recently forwarded to the NJDOT for the Township to secure the balance of grant monies due from the NJDOT in the amount of \$30,000.00.

- Recently, the Township DPW placed rip rap in the channel as required by the Warren County Soil Conservation District to stabilize the existing drainage swale at the project.

## **2. THIRD STREET DRAINAGE PROBLEMS**

**(No change from 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 Duvencek 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 Duvencek 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 will attempt to answer some of their questions related to the application.
- Once the Township receives approval for the project, we will begin negotiating with the landowner, Mrs. Chiu, regarding gaining rights to the canal property.

## **3. SIDEWALK DAMAGE, LAUREN DRIVE**

**(No change from last month's report)**

- The Township Committee previously awarded a contract for the required sidewalk repair work to Breslin Masonry and Concrete at their current pricing of \$6.00 per SF.
- Our office coordinated with the Breslin Masonry and the DPW regarding this work. The concrete sidewalk replacement work was completed and the DPW has placed topsoil in all areas where required. Final seeding and stabilization of the disturbed areas will be completed in the Spring.

## **4. TOWNSHIP WASTEWATER MANAGEMENT PLAN**

- Mayor Butler recently received a letter, dated February 15, 2008, from Dave Dech, Warren County Planning Director, regarding the proposed new Water Quality Management Planning rules which will soon be adopted by the NJDEP. One of the major changes in the pending rules would be that the County would be designated as the Wastewater Planning Agency vs. the current regulation which allows for each individual municipality to be their own Wastewater Planning Agency. Mr. Dech is requesting a response from the Township relative to their position on this matter as it affects potential grant funding to the County should the County accept the role as Wastewater Management Planning Agency. At the March 3, 2008 Committee Meeting, there was a decision made for a correspondence to be issued by the Township regarding the Township's desire to retain jurisdiction over wastewater planning issues. It is my understanding that Mayor Butler has forwarded a response to Warren County confirming the position of the Township where the Township would wish to remain as its own wastewater management planning agency.

**5. MOUNTAIN VIEW ROAD RECONSTRUCTION (2005 NJDOT GRANT)**  
**(No change from last month's report)**

- Via correspondence and supporting documentation prepared by our office, dated June 18, 2007, we have submitted the final close-out documents for this project to the NJDOT. Please be advised that the final installment of this grant to the Township equates to \$27,500.00. The NJDOT has recently completed their final inspection which will allow for the final installment payment to be released to the Township.

**6. STEWARTSVILLE ROAD (2007 NJDOT MUNICIPAL TRUST FUND PROJECT)**  
**(No change from last month's report)**

- The final top course of paving on the roadway was completed by Tilcon through the MCCPC on September 19, 2007. Our office has prepared the final NJDOT close-out documents and has submitted same to the NJDOT which should enable the Township to secure the balance of grant monies due on this project which equates to \$37,500.00.

**7. REGIONAL FLOOD MITIGATION PLAN**  
**(No change from last month's report)**

- The Township previously agreed to participate in a Regional Flood Mitigation Plan being prepared by the Delaware River Basin Commission (DRBC). Our office has been coordinating the various efforts and work on this project through both Denise Cicerelle and Sonny Read. Joe Nalio from our office represented the Township at the mandatory Regional Flood Mitigation Plan meeting on October 17, 2007.
- We have prepared and submitted the required Municipal Worksheets to the DRBC and also have prepared the required questionnaire to be sent to Township property owners located in the various flood plains which will be mailed by Denise Cicerelle.
- Our office presented the Plan to both the Committee and the public at a public hearing held at the November 5, 2007 Township Committee Meeting. The purpose of the presentation was to receive input from any concerned property owners. The few comments which were made at the public hearing were consistent with the information previously developed and supplied to the DRBC by our office. The DRBC is estimating that the draft Plan will be ready for review by the end of November, 2007. As of the date of this report, we have not been notified that the draft Plan has been released.

**8. 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 (reference Report Item #1).
- 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 received notification that we were successful in obtaining a \$300,000 grant to stabilize and remediate the damage to the roadway.

- The Township Committee has authorized our office to prepare the construction plans for the project. Currently, we have completed the field survey work and base mapping of the area. We have met at the site with a representative of PMK to receive guidance regarding specific design requirements associated with the future stabilization and integrity of the steep slope on the northern embankment of the roadway adjacent to the stream. We will continue to keep the Committee apprised regarding this project.

#### **9. SAFE ROUTES TO SCHOOLS GRANT APPLICATION (SRTS)**

- The Township previously received a NJDOT Safe Routes to Schools Grant Application notice. The applications were due on April 18, 2008. Our office was successful in another municipality in receiving a substantial grant for construction of new and replacement sidewalk. 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.

#### **10. 2009 NJDOT MUNICIPAL TRUST FUND APPLICATIONS**

- This year's applications are due on June 20, 2008. Typically, our office prepares two (2) different applications for consideration. The two (2) applications submitted for 2008, which did not receive funding, were an application for a portion of Willow Grove Road and a separate application for Good Springs Road. We could resubmit these applications for 2009 or prepare new applications for other roadways. We would prepare applications for Resolution of Support passage at the June meeting to allow for us to meet the June 20, 2008 submission deadline. At this juncture, we look to the Committee for direction regarding the 2009 application candidates.

**Attorney Report on file – All Foreclosures have been completed. Further discussions to ensue in Executive Session**

#### **Committee Reports; Updates/Discussions –**

Michael Ferri – nothing to report

Michael Toretta – nothing to report

Jeffrey DeAngelis – nothing to report

Mark Blaszkowski – Park Meeting next Monday. Hopes to have the policy for next months meeting for the community center. Attended a shared services meeting hosted by Lopatcong Township. Stated that 70% of the towns in Warren County already apply shared services with one another at this time, do this as a course of life.

Bonnie Butler – Mayor also attended a shared services meeting hosted by Greenwich Township, advised that the state is making grant money available for these services. Special COAH meeting will be this month. AED is now in place and training for employees and coaches will be May 19<sup>th</sup> and May 21<sup>st</sup>. Crossing Guards sat down for a short meeting and viewed a video. Letter received from Douglas Stryker complimenting the engineer and building department. Committeeman Blaszk noted that Mr. Stryker was also impressed that the engineer and the mayor both showed up at the sight at the same time. Letter received from Assemblyman Mike Dougherty working on COAH Legislation. The League of Municipalities proposed to put a lawsuit together with these new COAH Regulations going into place and asking any municipality who would like to join in for \$500. We need to replace our existing copy machine, very old and having many problems with it. Have a trial copier from Xerox in the office at this time, cost \$5000, to lease would cost \$117. A previous machine from Sharpe that was on trial in the office cost \$5025, \$154 a month includes toner/maintenance and 4500 pages. Will confirm warranty and maintenance on both machines.

**Zoning/Jim Onembo** – nothing formal to report

**Recycling/Roger Bulava** – Road Side Clean Up held April 12<sup>th</sup> combined forces of the Asbury and Franklin Fire Companies.

**OEM/Sonny Read** – nothing formal to report

**Franklin Township Youth Association/Chris Hamler** – New President of just 3 weeks, reported that softball and baseball in full swing with 170 participants.

**Open Public Session** – no comments noted from public

### **EXECUTIVE SESSION**

**BE IT RESOLVED**, on this 5th day of May, 2008, 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/DPW PERSONNEL/FRANKLIN TWP. COURT NEGOTIATIONS/OPEN SPACE 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 5th, day of May, 2008 by the Franklin Township Committee, that the matter stated will be discussed in executive session, said session to commence at 7:43 p.m.

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

On motion by Michael Ferri and seconded by Mark Blaszk to return to the regular session 8:37 p.m. Unanimous Vote

On motion by Mark Blaszk a and seconded by Jeffrey DeAngelis to continue with summer staffing for the Department of Public Works.

<b>ROLL CALL VOTE</b>	<b>YES</b>	<b>NO</b>	<b>ABSENT/ABSTAINED</b>
Mark Blaszk a	X		
Jeffrey DeAngelis	X		
Michael Ferri	X		
Michael Toretta		X	
Mayor Bonnie Butler	X	(4) Yes (1) No	Motion Carried

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

<b>ROLL CALL VOTE</b>	<b>YES</b>	<b>NO</b>	<b>ABSENT/ABSTAINED</b>
Mark Blaszk a	X		
Jeffrey DeAngelis	X		
Michael Ferri	X		
Michael Toretta	X		
Mayor Bonnie Butler	X	(5) Yes	Motion Carried

On motion by Michael Ferri and seconded by Michael Toretta, hearing no objection, meeting stands adjourned at 8:39 pm. Unanimous Vote.

Respectfully submitted,

Denise L. Cicerelle  
Municipal Clerk