

## REGULAR MEETING

The Franklin Township Committee held their regular monthly meeting at 7:00 pm on Monday, June 1, 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 Blaszk, , Michael Ferri, Brian Tipton, Township Attorney, Michael Finelli, Township Engineer, Jim Onembo, Zoning/Code Enforcement, Roger Bulava, Recycling, Denise L. Cicerelle, Municipal Clerk.

**Absent were:** Jeffrey DeAngelis, Michael Toretta

**Roll Call** of Committeepersons: 3 present, 2 absent

Following the flag salute the Regular Meeting Minutes of May 4th, 2009 were accepted on motion by Mark Blaszk and seconded by Michael Ferri, all in favor. Executive Session Meeting Minutes of May 4th, 2009 were accepted on motion by Michael Ferri and seconded by Mark Blaszk, all in favor.

The first order of business was Trooper Marchitea who gave a report of Franklin Township as follows: 71 Motor Vehicle Stops, 7 Motor Vehicle Accidents, 13 Emergencies, 9 Alarms, 3 911 Hang Ups, 1 Car Fire, 1 General Fire, 1 Noise Complaint, 2 Property Damage Complaints, 1 Stolen Vehicle, 2 Suspicious Persons, 4 Domestic Disputes, 1 Case of Identity Theft.

### **Final Reading/Adoption of the 2009 Municipal Budget.**

On motion by Bonnie Butler and seconded by Mark Blaszk.

<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	(3) Yes (2) Absent	Motion carried

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

The following **Resolution 2009-54** was presented for Introduction/Adoption.

### **RESOLUTION 2009-54**

**WHEREAS**, the Township Committee of the Township of Franklin, County of Warren, State of New Jersey, has received applications for the renewal of liquor licenses; and

**WHEREAS**, each application for renewal was accompanied by the following fees: Plenary Retail Consumption \$826.80 Plenary Retail Distribution \$609.60, and Club License \$63.00; and

**WHEREAS**, each application was also accompanied by a \$200.00 check payable to the Division of Alcoholic Beverage Control; and

**WHEREAS**, the following submitted plenary retail consumption liquor license retail applications;

Wedgewood Inn, LLC 2165 Rt. 57, Broadway, NJ, License# 2105-33-001-004;

**WHEREAS**, the following submitted a plenary retail distribution license renewal application; and

Village Discount Liquors, LLC; 2299 Rt. 57, Broadway, NJ,  
License# 2105-44-004-003;

**WHEREAS**, the following Club license was submitted for license renewal.

Warren County Rod & Gun Club #1, 279 Bloomsbury Rd., Asbury, NJ,  
License# 2105-31-006-001

**WHEREAS**, the applicants for plenary retail consumption renewals provided proof of tax clearance as issued by the New Jersey Division of Taxation; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Franklin, County of Warren and State of New Jersey, that the applications received for Plenary Retail Consumption, Plenary Retail Distribution and Club License have been duly inspected and that all appropriate documentation and fees have been submitted along with said applications and as such, the licensee applications are deemed complete and renewals of the same are hereby granted and that aforementioned liquor licenses for the year July 1<sup>st</sup> 2009 to June 30<sup>th</sup> 2010 be accepted and approved for issue

**NOW, THEREFORE, BE IT RESOLVED**, that the Clerk of the Municipality is directed to execute the license certificates and deliver the same on behalf of the Township of Franklin.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Franklin that this resolution shall take effect immediately.

The within **Resolution 2009-54** was moved by Committeeman Michael Ferri and seconded by Committeeman Mark Blaszkka and upon roll call vote was passed.

<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	(3) yes	(2) Absent Motion carried

**Dated: June 1, 2009**

**INTRODUCTION/ADOPTION OF:**

The following **Resolution 2009-58** was presented for Introduction/Adoption.

**RESOLUTION 2009-58**

**WHEREAS**, the Township Committee of the Township of Franklin, County of Warren, State of New Jersey, has received applications for the renewal of liquor licenses; and

**WHEREAS**, each application for renewal was accompanied by the following fees: Plenary Retail Consumption \$826.80; and

**WHEREAS**, each application was also accompanied by a \$200.00 check payable to the Division of Alcoholic Beverage Control; and

**WHEREAS**, the following submitted plenary retail consumption liquor license retail applications;

Sebastiano's Restaurante, LLC, 2537 Rt. 57, Stewartsville, NJ,  
License# 2105-33-003-010

**WHEREAS**, the applicants for plenary retail consumption renewals provided Proof of tax clearance as issued by the New Jersey Division of Taxation; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Franklin, County of Warren and State of New Jersey, that the applications received for Plenary Retail Consumption has been duly inspected and that all appropriate documentation and fees have been submitted along with said applications and as such, the licensee applications are deemed complete and renewals of the same are hereby granted and that aforementioned liquor licenses for the year July 1<sup>st</sup> 2009 to June 30<sup>th</sup> 2010 be accepted and approved for issue

**NOW, THEREFORE, BE IT RESOLVED**, that the Clerk of the Municipality is directed to execute the license certificates and deliver the same on behalf of the Township of Franklin.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Franklin that this resolution shall take effect immediately.

The within **Resolution 2009-58** was moved by Committeeman Mark Blaszk and seconded by Committeeman Michael Ferri pursuant to receiving Tax Clearance Certificates and upon roll call vote was passed.

<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	(3) Yes (2) Absent	Motion carried

**Dated: June 1, 2009**

**INTRODUCTION/ADOPTION OF:**

The following **Resolution 2009-59** was presented for Introduction/Adoption.

**RESOLUTION 2009-59**

**WHEREAS**, the Township Committee of the Township of Franklin, County of Warren, State of New Jersey, has received applications for the renewal of liquor licenses; and

**WHEREAS**, each application for renewal was accompanied by the following fees: Plenary Retail Consumption \$826.80; and

**WHEREAS**, each application was also accompanied by a \$200.00 check payable to the Division of Alcoholic Beverage Control; and

**WHEREAS**, the following submitted plenary retail consumption liquor license retail applications;

Asbury Willows Restaurant and Caterers Inc., 288 Anderson Rd., Asbury, NJ, License# 2105-33-002-004

**WHEREAS**, the applicants for plenary retail consumption renewals provided Proof of tax clearance as issued by the New Jersey Division of Taxation; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Franklin, County of Warren and State of New Jersey, that the applications received for Plenary Retail Consumption has been duly inspected and that all appropriate documentation and fees have been submitted along with said applications and as such, the licensee applications are deemed complete and renewals of the same are hereby granted and that aforementioned liquor licenses for the year July 1<sup>st</sup> 2009 to June 30<sup>th</sup> 2010 be accepted and approved for issue

**NOW, THEREFORE, BE IT RESOLVED**, that the Clerk of the Municipality is directed to execute the license certificates and deliver the same on behalf of the Township of Franklin.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Franklin that this resolution shall take effect immediately.

The within **Resolution 2009-59** was moved by Committeeman Bonnie Butler and seconded by Committeeman Mark Blaszkas pursuant to receiving Tax Clearance Certificates and upon roll call vote was passed.

<b>Roll Call Vote:</b>	<b>Yes</b>	<b>No</b>	<b>Absent/Abstained</b>
Mark Blaszkas	X		
Jeffrey DeAngelis			X
Michael Ferri	X		
Michael Toretta			X
Mayor Bonnie Butler	X	(3) Yes (2) Absent	Motion carried

**Dated: June 1, 2009**

**INTRODUCTION/ADOPTION OF:**

The following **Resolution 2009-55** was presented for Introduction/Adoption.

**RESOLUTION # 2009-55**

**RESOLUTION OF THE TOWNSHIP OF FRANKLIN, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING THE SUBMITTAL OF AN APPLICATION FOR THE TRANSPORTATION ENHANCEMENT ARRA (ECONOMIC RECOVERY) PROGRAM THROUGH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION**

**WHEREAS**, the Transportation Enhancement Program will support non-traditional transportation projects that enhance the cultural, aesthetic, historic, and environmental aspects of the State’s transportation system, and

**WHEREAS**, the Transportation Enhancement Program will support and encourage non-traditional transportation projects developed at the local level to advance community based needs and goals consistent with the Program eligibility categories, and

**WHEREAS**, the Transportation Enhancement Program can provide funding for the construction of new facilities or improvements to existing facilities that provide for safe pedestrian transportation, and

**WHEREAS**, the improvement of existing sidewalks and the installation of new sidewalks and curbing in the Asbury Historic District will provide for a safe pedestrian pathway and encourage the utilization of the Asbury Historic District as an historic and cultural site within the State, and

**WHEREAS**, the Township of Franklin has committed to assist in the funding of the sidewalk and curb construction, and

**WHEREAS**, the Township of Franklin will insure that the sidewalks will be maintained;

**NOW THEREFORE BE IT RESOLVED**, that the Township of Franklin endorses the Transportation Enhancement Program plan to replace and install new sidewalks and curbing in the Asbury Historic District, and

**FURTHER BE IT RESOLVED**, the Mayor and Committee endorse the Transportation Enhancement Program application.

On motion by Mark Blaszkka and seconded by Michael Ferri the aforementioned **Resolution 2009-55** be adopted as read.

<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	(3) Yes (0) No (2) Absent	Motion Carried

Dated: June 1, 2009

**INTRODUCTION/ADOPTION OF:**

The following **Resolution 2009-56** was presented for Introduction/Adoption.

**GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT  
FORM OF RESOLUTION**

**RESOLUTION 2009-56**

**WHEREAS**, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

**WHEREAS**, the Annual Report of Audit for the year 2008 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

**WHEREAS**, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

**WHEREAS**, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations; and

**WHEREAS**, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

**WHEREAS**, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

**WHEREAS**, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

**WHEREAS**, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

**NOW, THEREFORE BE IT RESOLVED**, That the Township Committee of the Township of Franklin, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

On motion by Michael Ferri and seconded by Mark Blaszk a the aforesaid **Resolution 2009-56** be adopted as read.

<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	(3) Yes(2) Absent	Motion Carried

Dated: June 1, 2009

**NO PHOTO COPIES OF SIGNATURES**

STATE OF NEW JERSEY  
 COUNTY OF WARREN

We, members of the governing body of the Franklin Township Committee, in the County of Warren, being duly sworn according to law, upon our oath depose and say:

1. We are duly elected members of the Franklin Township Committee of the Township of Franklin in the county of Warren;
2. In the performance of our duties, and pursuant to N.J.A.C. 5:30-6.5, we have familiarized ourselves with the contents of the Annual Municipal Audit filed with the Clerk pursuant to N.J.S.A. 40A:5-6 for the year 2008;
3. We certify that we have personally reviewed and are familiar with, as a minimum, the sections of the Annual Report of Audit entitled "Comments and Recommendations."

(L.S.)

(L.S.)

(L.S.)

(L.S.)

(L.S.)

(L.S.)

(L.S.)

(L.S.)

(L.S.)

(L.S.)

Clerk

Sworn to and subscribed before me this  
 \_\_\_\_\_ Day of

\_\_\_\_\_  
 Notary Public of New Jersey

The Municipal Clerk (or Clerk of the Board of Chosen Freeholders as the case may be) shall set forth the reason for the absence of signature of any members of the governing body.

IMPORTANT: This certificate must be sent to the Bureau of Financial Regulation and Assistance, Division of Local Government Services, P.O. Box 803, Trenton, New Jersey 08625.

**INTRODUCTION/ADOPTION OF:**

The following **Resolution 2009-57** was presented for Introduction/Adoption.

**RESOLUTION 2009-57**

**Approval to submit a Grant application and execute a grant agreement with the New Jersey Department of Transportation for the Good Springs Road Resurfacing Project.**

**Whereas**, Franklin Township, Warren County, NJ has given Finelli Consulting Engineers the approval to submit this grant on behalf of the Township of Franklin,

**Whereas**, the committee of Franklin Township, Warren County, NJ formally approves the grant application for the above state project,

**Be It Further Resolved**, the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as **MA2010-Franklin Township-00390** to the New Jersey Department of Transportation on behalf of Franklin Township, Warren County, NJ,

**Now Therefore Be It Resolved**, that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of Franklin Township, Warren County, NJ and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

On motion by Mark Blaszk and seconded by Michael Ferri the aforementioned **Resolution 2009-57** 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	(3) Yes (2) Absent	Motion Carried

Dated: June 1, 2009

My signature and the Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

**ATTEST and AFFIX SEAL:**

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

\_\_\_\_\_  
(Bonnie Butler) Presiding Officer  
Mayor

**FIRST READING/INTRODUCTION OF:**

The following **Ordinance 2009-4** was presented for First Reading/Introduction.

**TOWNSHIP OF FRANKLIN  
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 \$75 for three years to be paid in the first year (\$25 per year). The fee is non-refundable if an applicant violates the ordinance.

(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 \$75 to the Township Clerk for all three years. 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 off 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.

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

Date of final reading, July 6, 2009.

Adoption of the within Ordinance held at a regularly scheduled meeting on Monday, July 6<sup>th</sup>, 2009, at the hour of 7:00 p.m.

The within Ordinance was moved by Mark Blaszk and seconded by Bonnie Butler.

<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	(3) Yes (0) No	(2) Absent
		Motion Carried	

Dated: June 1, 2009

**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) Municipal Clerk finally spoke with the attorney’s office for United Telephone and resolved that our clerk will advertise this ordinance accordingly and have the Star Gazette forward the invoice for publishing. This ordinance will be placed on the July 6<sup>th</sup> agenda for final reading/public hearing.**

On motion by Mark Blaszk and seconded by Michael Ferri to table until July 6<sup>th</sup> agenda.

<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	(3) Yes (0) No	(2) Absent
		Motion Carried	

**APPROVAL**

**(Kober’s Junkyard Renewal Application)**

On motion by Michael Ferri and seconded by Mark Blaszkka to approve the renewal 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	(3) Yes	(2) Absent (0) No

Motion Carried

**DISCUSSION/APPROVAL:**

**(Lawn Maintenance and Snow Removal Contract-Franklin Township BOE with Franklin Township-July 1<sup>st</sup>, 2009 thru June 30<sup>th</sup>, 2010).**

Further Discussion to ensue in Executive Session

**APPROVAL**

**(Letter in Support of Small Cities Housing Rehab Application)**

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

<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	(3) Yes	(2) Absent (0) No

Motion Carried

**DISCUSSION/APPROVAL**

**(Door Replacement Quotes, 3 Quotes received)**

- General Supply \$3,635
- Summit \$5,375
- C&M \$7,600

Comparing quotes with what exactly we are looking for in replacing the front doors, more vision lites and knowing the quality of work, concensus of the committee is to go with the C&M quote and they can also coordinate putting in the key fob system as well.

On motion by Mark Blaszkka and seconded by Bonnie Butler to go with the quote received from C&M on 2/27/09 in the amount of \$\$7,600 and to purchase the software, not to exceed \$6,800.

<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		
		(3) Yes (2) Absent (0) No	
			Motion Carried

**DISCUSSION**

**(Engine Braking Ordinance)**

A discussion ensued, Attorney Tipton will put something together for July’s meeting and will also advise as to where this is to be placed in our Township’s Code Book.

**REPORTS:**

**Engineer:**

Mr. Finelli touched base on the letter he drafted to the NJDEP indicating submission of the Waste Water Management Plan contingent upon Franklin Township receiving available grant funding.

Committeeman Ferri commented as to the oil/chip and footings awaiting the secured numbers from Nevitt. Shared Services with Harmony Township/Washington Township/Franklin Township.

Committeeman Blaszkka inquired on how to proceed with the roof problems at the municipal building. Go Solar? Engineer Finelli will email a name of an architect to Mr. Blaszkka.

Mayor Butler received a phone call from the Wards that live on Third Street as to the ongoing water problem and mosquitos.

**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 Duvencck 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 Duvencck 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 (1) 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.

- At the May 4, 2009 Committee meeting, this matter was discussed at some length. Based upon all of the factors referenced above, including the submission of a “interim” plan and the availability of a \$10,000. grant, the Township Committee decided to move forward with this process and the assumption of wastewater management planning responsibility. Our office will be providing the Township Committee with a sample letter at the June 1, 2009 Committee meeting for their review and approval prior to forwarding any final correspondence to the NJDEP.

### **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., in the amount of \$193,450.00. The contract and all required supporting documents have been received and the project contract has been fully executed.
- On Wednesday, April 29, 2009, our office attended a preconstruction meeting with a NJDOT representative and Pave-King. Construction work is scheduled to begin within the next two (2) weeks.

### **4. 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. 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.
- Our office recently received confirmation that the Township was successful in receiving funding in the amount of \$70,000. for the project. According to the grant guidelines, the project requires project authorization (design plan approval) by the NJDOT within two (2) years of the date of the grant award. Our office

looks to the Committee for authorization to begin the field survey, base map preparation and design phases of the project.

**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.
- Nevitt Duveneck has attended several field meetings 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.
- The plans are nearly complete and the project should be advertised in the very near future. Our office is hopeful that we will be in a position to make a contract award recommendation for the July 6, 2009 Committee meeting.

**6. SMITH PROPERTY SUBDIVISION  
(No change since last month’s report)**

- 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  
(No change since last month’s report)**

- The concept plan has been finalized with the overall layout securing approval from the Township Recreation Subcommittee. On January 12, 2009, Greg VandeRydt from our office, along with Malia Corde and Mark Blaszka, 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 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.
- Our office has 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 a 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 would be need to go “out to 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. Our office is presently coordinating with all three (3) municipalities (re: bidding the project) and should be preparing the bid specification soon.

#### 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. Our office has resubmitted the revised electronic parcel information which was requested by the Highlands Council as part of their Module 1 review. At this juncture, I believe we are nearing the end and approval of Module 1 and will then proceed into Module 2.

- 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 has nearly completed Module 4 and will be submitting same to the Highlands Council in the very near future. 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. This roadway is a County Road therefore we must receive County endorsement for the project. We have contacted the County and they soon be forwarding the requisite endorsement letter to our office.
- Our office, on behalf of the Township, completed the application and submitted same electronically, as required, in advance of the May 13, 2009 deadline.

#### **11. 2010 MUNICIPAL TRUST FUND APPLICATIONS**

- This year's applications are due to be submitted on June 12, 2009 in electronic form via the SAGE system. We have coordinated with Committeeman Ferri and the DPW on the candidate for submission under this year's program. The Township Committee authorized our office to proceed with the development of this year's NJDOT grant applications at the May 4, 2009 meeting. Our office is proceeding with the development of an application for Good Springs Road between Mountain View Road and Asbury-Broadway Road and we shall submit same to the NJDOT via the SAGE system in advance of the June 12, 2009 deadline. The Township will need to pass a resolution in conjunction with the application. It is our understanding that a resolution is on the agenda for action at the June 1, 2009 Township Committee meeting.

**Attorney Report: On File.** Attorney Tipton commented on the following issues:

1. Speedex – agreement reached and property has been cleaned up.
2. Noxious Weeds Ordinance – posting on property is sufficient. Also send letter via certified mail to the recorded owner of property; whether it be a person or bank owned, legal notice needs to be achieved to notify owner by mail.
3. Ordinance for closing of roads for filming purposes – attorney will draft an ordinance as to closing of a road for this particular use and fees as well. Inconvenience to residents of the township per Mayor Butler.

#### **Reports/Updates/Discussions:**

#### **Committee Reports:**

Michael Ferri – Nothing further to address

Michael Toretta – Not present.

Jeffrey DeAngelis – Not present.

Mark Blaszka – Nothing further to address

Bonnie Butler – The Rabies Clinic previously addresses to be held at the Tractor Supply Store in Washington did not work out, will keep the same as last year in early January.

**Zoning Officer:**

Jim Onembo – Going to court with a gentleman in Asbury similar to the Speedex case. Attorney to touch base on this with Mr. Onembo.

**OEM:**

Raymond Read -- not present.

**Recycling Coordinator:**

Roger Bulava – recycling this weekend, next weekend is Spring Clean Up; June 13<sup>th</sup>, 7am – 4pm. Mr. Bulava will have available Community Service workers to assist and the Road Department.

**Open Space Committee:**

No representative present at meeting for updates.

**Open Public Section:**

Karen Chiu - Enjoyed the Memorial Day Services, calling the names of area servicemen and women was very touching. Mayor Butler commented that the kids in the school did an outstanding job.

Steve Tabert – Commented as to the sidewalk grant will this also consist of repairing the existing sidewalks prior to putting new walks in. Mr. Finelli reviewed and found that this is the case.

Joe Flynn – Curtain is now installed in Community Center that was donated by the Youth Association; he has left this down for committee and anyone interested in seeing. Fall Sports sign ups are being held here in the Community Center, a thank you for the use of the building. Looking into an electronic batting cage so we can raise and lower it when needed instead of setting it up and tearing it down when not needed. Mayor Butler commented that she has a \$200 donation for the Youth Association that she received as a donation for doing a wedding. Also, Mr. Flynn questioned if the community room door will be replaced. When new front doors are installed, we will change the community room door to the key fob system as well.

Joe Banghart – Questioned the Tax Clearance Certificates needed for his Liquor License renewal. The clerk assured Mr. Banghart that his tax clearance was received and his renewal will be sent in without any delay for the July renewal date.

Mayor Butler – Circulating a birthday card to a soldier in Texas, those interested can sign the card.

Committeeman Ferri – brought up the insulation and new heating system at the road garage. Still having trouble with obtaining 2 quotes for the heat, if we show due diligence that no one else quoted the job that would be sufficient. Insulation 2 quotes received and will stay the same for this year. Joe Flynn advised to contact Advanced Heating/Air Conditioning, a township resident owns this business.

**EXECUTIVE SESSION**

**BE IT RESOLVED**, on this 1st day of June, 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**

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

**THEREFORE**, be it resolved on this 1st, day of June, 2009 by the Franklin Township Committee, that the matter stated will be discussed in executive session, said session to commence at 8:10 p.m.

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

On motion by Michael Ferri and seconded by Mark Blaszk to return to the regular session 8:53 p.m. Unanimous Vote

On motion by Mark Blaszk 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 Blaszk	X		
Jeffrey DeAngelis			X
Michael Ferri	X		
Michael Toretta			X
Mayor Bonnie Butler	X	(3) Yes (2) Absent	Motion Carried

On motion by Bonnie Butler and seconded by Michael Ferri, hearing no objection, meeting stands adjourned at 8:54 pm. Unanimous Vote.

Respectfully submitted,

Denise L. Cicerelle  
Municipal Clerk