

REGULAR MEETING

The Franklin Township Committee held their regular monthly meeting at 7:00 pm on Monday, July 06, 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, Mark Blaszk, Michael Ferri, Jeffrey DeAngelis, Nancy Jacobsen, Deputy Municipal Clerk, Michael Finelli, Engineer, and Brian Tipton, Esq. Committeeman Michael Toretta arrived at 7:34 pm.

Following the flag salute the Regular Meeting Minutes of June 1, 2009 were accepted on motion by Mark Blaszk and seconded by Michael Ferri, all in favor. Executive Session Meeting Minutes of June 1, 2009 were accepted on motion by Mark Blaszk, and seconded by Michael Ferri, all in favor.

The following **Policy #7** was presented for First Reading/Adoption

POLICY #7

TOWNSHIP OF FRANKLIN COUNTY OF WARREN

The Franklin Township Municipal Committee hereby officially adopts the following policy setting forth vacation, holidays, personal days, sick days, death benefits, and clothing allowance as they relate to all full-time Franklin Township Municipal Non-Contracted Employees. "Full-time" employee shall be defined as any person working 35 hours or more per week.

1. SICK LEAVE

All full time Franklin Township Municipal employees are entitled to twelve (12) sick days per year; any unused days shall be cumulative.

2. PERSONAL DAYS

All full-time Franklin Township employees are entitled to three (3) personal days per year; any unused days shall not be cumulative.

3. VACATION

All full time Franklin Township municipal employees employed between one (1) and five (5) years will be entitled to twelve (12) working days off. All full-time Franklin Township municipal employees employed by the Township between six (6) and twelve (12) years will receive fifteen (15) working days off. All full-time Franklin Township municipal employees employed thirteen (13) through twenty (20) years are entitled to twenty (20) working days off. Any and all full-time Franklin Township municipal employees employed twenty (20) or more years are entitled to receive twenty five (25) working days off per year.

4. HOLIDAYS

All full-time Franklin Township municipal employees are entitled to “Official Holidays” as set forth in Franklin Township Policy #6.

5. BEREAVEMENT DAYS

Each full-time Franklin Township municipal employees are entitled to five (5) bereavement days off for the death of the following individuals, without loss of pay; spouse, child, stepchildren, mother, father, brother, sister, mother-in-law, father-in-law, grandmother and grandfather.

All full-time Franklin Township employees are entitled to one (1) bereavement day off without loss of pay for brother-in-law and sister-in-law.

6. DPW CLOTHING ALLOWANCE

Each full-time DPW employee shall be entitled to a reimbursement of up to one-hundred dollars (\$100) annually for the purchase of work boots and up to two-hundred dollars (\$200) annually for the purchase of work clothing. Each full time DPW Employee will be supplied with uniforms and the Township will bear all costs regarding the cleaning of said uniforms.

Dated: 7-6-09

On motion by Michael Ferri and seconded by Jeffrey DeAngelis the aforementioned **Policy #7** be adopted as read.

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

The following **Resolution #2009-60** was presented for First Reading/Adoption

**RESOLUTION # 2009-60
2008 RECYCLING TONNAGE GRANT**

WHEREAS, The Mandatory Source Separation and Recycling Act P.L.1987, C.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, The New Jersey Department of Environmental Protection is promulgating recycling regulations to Implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, The recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, A resolution authorizing this municipality to apply for such tonnage grants for 2008 will memorialize the commitment of this municipality to recycling and to indicate the assent of the Township of Franklin to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, Such a Resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Franklin, County of Warren, that Franklin Township hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Roger Bulava to ensure that the application is properly filed, and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

On motion by Jeffrey DeAngelis and seconded by Michael Ferri to adopt the aforementioned **Resolution 2009-60**.

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

Dated: July 6, 2009

A MUNICIPAL RESOLUTION AUTHORIZING THE FILING OF A RECYCLING TONNAGE GRANT MUST BE SUBMITTED WITH THE GRANT APPLICATION

The following Resolution #2009-61 was presented for First Reading/Adoption

The following Corrective Action Plan was prepared by CFO, Dawn Stanchina for Approval. The Corrective Action Plan was formally acknowledged by the Township Committee as given by Chief Financial Officer, Dawn Stanchina.

**TOWNSHIP OF FRANKLIN
WARREN COUNTY
AUDIT REPORT YEAR: 2008**

**CORRECTIVE ACTION PLAN
RESOLUTION 2009-61**

Whereas, the Township Committee of Franklin has received and reviewed the Annual Audit Report for the Year 2008 and;

Whereas, the Chief Financial Officer has prepared the following corrective action plan in accordance with the reports findings as follows;

Finance Office

Finding/Condition #1:

I noted various interfund balances at year end.

Recommendation:

It is suggested that all interfunds be transferred to their respective funds. Remaining authorized debt should be issued to generate necessary cash flow to liquidate the interfund balances.

Explanation and Corrective Action:

The general capital fund owes Municipal Open Space \$490,170. Presently there is no money in that trust due to past years payments of cash for capital ordinances. A BAN will need to be issued based on ordinances authorized but funds not issued.

Implementation Date:

By October 31, 2009. Additional debt will be issued based on ordinances passed with the next BAN rollover.

Construction Office

Finding/Condition #2:

I noted that cash accounts were not reconciled for the year and deposits were not made within 48 hours

Recommendation:

It is suggested that cash accounts be reconciled to the bank statements on a monthly basis, that deposits be made within 48 hours of receipt, and prior years excess amounts be turned over to current fund.

Explanation and Corrective Action:

The prior year excess will be turned over to CFO for deposit into current fund. It has been discussed with the Building Supervisor that the bank statements need to be reconciled and deposits made within 48 hours. It will be at the discretion of the Township Mayor and Committee to put the proper checks and balances in place to assure that monthly reconciliations are completed and that the deposits are meeting the 48 hour standard. The funds have already been turned over for deposit into the Construction Code Fee revenue line item.

Implementation Date:

12/31/2009

Shared Municipal Court – Lopatcong Township

Finding/Condition #3:

I noted that employee bonds were not maintained for court employees

Recommendation:

It is suggested that shared Lopatcong Municipal Court maintain employee bonds on Franklin Township court employees as required by New Jersey State Statute.

Explanation and Corrective Action:

The Court Administrator for Lopatcong Shared Municipal Court has been made aware of this recommendation and will have bonds completed and executed for 2009

Implementation Date:

To be completed by Irene Brownell – Court Administrator

Now, therefore be it resolved by the Township Committee of Franklin that a certified copy of this corrective action plan resolution be transmitted to the Director of Local Government Services.

The within **Resolution 2009-61** was moved by Mark Blaszk and seconded by Michael Ferri and upon roll call vote was passed.

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

PUBLIC HEARING AND CONSIDERATION OF:

The following **Ordinance 2009-4** was presented for Final Reading/Adoption

**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.**

MOTION: To open Public Hearing by Mark Blaszk, seconded by Michael Ferri.

Roll Call Vote	Yes	No	Absent/Abstained
Mark Blaszk	X		
Jeffrey DeAngelis	X		
Michael Ferri	X		
Michael Toretta			X
Mayor Bonnie Butler	X	(4) Yes (0) No	(1) Absent
Motion Carried			

PUBLIC COMMENTS: None

MOTION: To close Public Hearing by Mark Blaszk, seconded by Michael Ferri.

Roll Call Vote	Yes	No	Absent/Abstained
Mark Blaszk	X		
Jeffrey DeAngelis	X		
Michael Ferri	X		
Michael Toretta			X
Mayor Bonnie Butler	X	(4) Yes (0) No	(1) Absent
Motion Carried			

The within Ordinance was moved by Bonnie Butler and seconded by Michael Ferri, Ordinance 2009-4 be adopted as read at second reading.

Roll Call Vote	Yes	No	Absent/Abstained
Mark Blaszk	X		
Jeffrey DeAngelis	X		
Michael Ferri	X		
Michael Toretta			X
Mayor Bonnie Butler	X	(4) Yes (0) No	(1) Absent
Motion Carried			

Dated: July 6, 2009

PUBLIC HEARING AND CONSIDERATION OF:

The following **Ordinance 2009-5** was presented for Final Reading/Adoption

ORDINANCE 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.

MOTION: To open Public Hearing by Mark Blaszk, seconded by Jeffrey DeAngelis.

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

Motion Carried

PUBLIC COMMENTS: None

MOTION: To close Public Hearing by Mark Blaszk, seconded by Michael Ferri.

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

Motion Carried

On motion by Mark Blaszk and seconded by Jeffrey DeAngelis, the aforementioned **Ordinance 2009-5** be adopted as read.

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

Motion Carried

APPROVAL

Raffle Application #RA 2009-4 (PTA Franklin Township/Off Premise 50/50 9/11/09) was presented for approval on motion by Mark Blaszk a and seconded by Jeffrey DeAngelis to approve said license.

On motion by Mark Blaszk a, seconded by Jeffrey DeAngelis, the following Raffle Application was adopted by the Franklin Township Committee at a meeting held on July 6, 2009.

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

Motion Carried

APPROVAL

Raffle Applicaton #RA 2009-5 (Big Brothers & Sisters of Warren County/Tricky Tray 9/25/09) was presented for approval on motion by Michael Ferri and seconded by Mark Blaszk a, to approve said license.

On motion by Michael Ferri, seconded by Mark Blaszk a, the following Raffle Application was adopted by the Franklin Township Committee at a meeting held on July 6, 2009.

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

Motion Carried

DISCUSSION – RE: “Jake” Braking:

Attorney Brian Tipton explained the ordinance and penalties involved. Any signs placed on county roads would need the approval of the county. Ordinance is in place 24-hours/day.

The following **Ordinance 2009-7** was presented for First Reading/Adoption

**TOWNSHIP OF FRANKLIN
ORDINANCE NO. 2009-7**

AN ORDINANCE AMENDING CHAPTER 129 OF THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF WARREN, TO PROHIBIT THE PRACTICE OF ENGINE BRAKING BY MOTOR VEHICLES OPERATING ON TOWNSHIP ROADS AND ALONG ALL WARREN COUNTY AND NEW JERSEY STATE ROADS WITHIN THE TOWNSHIP, AND AUTHORIZING THE PLACEMENT OF SIGNS TO PROHIBIT ENGINE BRAKING ALONG SUCH ROADS

WHEREAS, it is hereby determined that the practice known as “engine braking” when employed by motor vehicles, often times by trucks, creates unnecessarily loud and disturbing noises along the roads within the Township of Franklin (“Township”),

WHEREAS, the sounds associated with engine braking are disruptive and detrimental to motor vehicle occupants and to persons generally in the Township in residences, commercial buildings, or on the roads,

WHEREAS, in accordance with N.J.S.A. 40:48-1(8), the Township desires to adopt and enforce an ordinance to prohibit engine braking on its municipal roads, and those of Warren County and the State of New Jersey within its borders, except in limited circumstances where necessary for the health, welfare, and safety of the community;

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

Section 1. Chapter 129 of the Code of the Township of Franklin (“Code”) Amended.

- A.** Section 129-1, “Definitions,” is added to the Code with the following new definition:

“ENGINE BRAKING” shall mean the use or operation of any mechanical exhaust device designed to aid in the braking, decompression, deceleration of any motor vehicle which results in excessive, loud, unusual, explosive noise from such vehicle.

- B.** Section 129-2, “Specific Prohibitions,” added to the Code to read as follows:

- a.** It shall be unlawful for the operator of any motor vehicle to use or operate or cause to be used or operated, at any time on any road within the Township, any mechanical exhaust or decompression system which results in the practice of “engine braking.”

- C.** Section 129-3, “Exceptions,” added to the Code to read as follows:

- a.** The specific prohibition set forth in subparagraph (a) of §129-2 shall not apply to engine braking where necessary for the protection of persons and/or property which cannot reasonably be avoided by the application of an alternative braking system.

Section 2. Violations and Penalties. Unless another penalty is expressly provided by New Jersey Statute, any person convicted of a violation of this Ordinance shall be punished for a first conviction thereof by a fine of not more than one-hundred dollars (\$100.00) or by imprisonment for a period not to exceed ten (10) days, or by both such fine and imprisonment; for a second such conviction, such person shall be punished by a fine of not more than two-hundred dollars (\$200.00) or by imprisonment for a period not to exceed twenty (20) days, or by both such fine and imprisonment; and upon the third or any subsequent conviction, such person shall be punished by a fine of not more than five-hundred dollars (\$500.00) or by imprisonment for a period not to exceed six (6) months, or by imprisonment for a period not to exceed six (6) months, or by both such fine and imprisonment.

Section 3. Signage. The Township is authorized to post signs at reasonable locations within the Township indicating the prohibition of engine braking, provided that no such

signs shall be posted on State or County roads without prior approval, respectively, of the New Jersey Department of Transportation and County of Warren.

Section 4. Severability. If any section, paragraph, subsection, clause or provision of this ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.

Section 5. Repealer. All ordinances and resolutions or parts thereof inconsistent with this ordinance are repealed.

Section 6. Effective Date. This ordinance shall take effect upon passage and publication as required by law.

Date of final reading, August 10, 2009.

The Ordinance was moved by Mark Blaszk and seconded by Bonnie Butler and upon roll call vote was passed.

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

(3) Yes (1) Absent (1) Abstained
Motion Carried

Dated: July 6, 2009

REPORTS, UPDATES/DISCUSSION:

REPORTS:

Attorney Report on file – Further discussions to ensue in Executive Session

The following **Ordinance 2009-8, Regulate Temporary Municipal Street Closure** was discussed –

A description of the Ordinance was given by Attorney Tipton. Some concerns were who would administer the Ordinance from the Township and issue permits? Also, could there be different fees charged for non-profit organizations? What types of equipment would be used to “close” streets? After some discussion, Attorney Tipton will work on modifying this ordinance. No action at this time.

Engineer's Report –

Mr. Finelli highlighted his written report as follows:

-- Wastewater Management Plan – At this time, the grant application is being completed.

-- SRTS Grant – Committee expressed concern regarding placement of sidewalks and who would maintain them – especially snow removal. Mr. Finelli would need Township authorization to proceed with field survey, base map preparation, and design phases of project.

MOTION: By Mark Blaszk and seconded by Jeff DeAngelis to proceed with project.

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

(NOTE: Mr. Toretta arrived at 7:34 pm)

-- Willow Grove Road – Contract to be awarded at next Township meeting.

-- Smith Property Subdivision – Green Acres requires an updated survey which meets their standards. Mr. Finelli would need the committee's authorization to proceed with this survey at a budgetary amount of \$2,000.

MOTION: By Bonnie Butler and seconded by Mark Blaszk to authorize Finelli's office to spend up to \$2,000 to satisfy Green Acres requirements for subdivision plat.

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

-- Highlands Plan Conformance – Moving forward. Module 1 needs some editing. Mayor Butler asked that the bills regarding Highlands be broken down into the various Module categories by Finelli Engineering so that reimbursement could be expedited.

-- Reimbursement of Escrow – Block 45 Lot 3. Resolution would be needed by Committee on this. Will be presented at next month's meeting.

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 (1) year from the date of the adoption of the rules which would be July 7, 2009. As previously discussed by me at recent Township Committee meetings, if a "new" Township-specific WMP would not be submitted, the Township would be subject to the withdrawal of any wastewater service area designations.
- As per the NJDEP's September 24, 2008 letter to the municipality, the NJDEP is requesting a letter from the Township which would indicate the Township's intended course of direction and WMP responsibilities. This matter has been discussed at the last few Township Committee Meetings. I attended a Highlands Council Information Session meeting on January 22, 2009 regarding Plan

Conformance. At that meeting, there was an indication from Eileen Swan, Highlands Council, that a potential extension may be granted by the NJDEP to the July, 2009 submission deadline for Municipalities (within Warren County) that lie within the Highlands and have supplied a "Notice of Intent to Conform." We have since received confirmation that there will be extensions granted to Highlands municipalities within Warren County. The Township has now formally requested an extension from the NJDEP, via a correspondence from our office dated June 1, 2009.

- The NJDEP has amended their requirements for Warren County municipalities relative to the submission of a "complete" WMP. I have spoken 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. Our office, per authorization by the Committee at the June 1, 2009 meeting, is proceeding with the development and submission of this grant application.
- At both the the May 4 and June 1, 2009 Committee meetings, this matter was discussed in detail. Based upon all of the factors referenced above, including the submission of an "interim" plan and the availability of a \$10,000. grant, the Township Committee decided to move forward with this process and the assumption of WMP responsibility. Our office provided the Township Committee with a draft letter at the June 1, 2009 Committee meeting which was approved and authorized to be sent 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.
- Construction has begun and is continuing. There have been a few complaints registered relative to traffic negotiating around the area of construction as the roadway has been closed to all but local traffic during construction. The contractor has submitted for a progress payment for the project. Under separate cover, our office prepared and previously forwarded Voucher #1, dated July 1, 2009, for action at the July 6, 2009 Committee meeting.

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

- The Township previously received a NJDOT Safe Routes to Schools Grant Application notice. The applications were due on April 18, 2008. According to

the application criteria, the sidewalk project must be within two (2) miles of a school.

- The Township Committee previously authorized our office to prepare a SRTS grant application for a project which consisted of both a sidewalk extension on Bryan Road and sidewalk repair/replacement along Asbury-Broadway Road between NJSH Route 57 and the Elementary School. We completed the grant application for submittal which was prepared utilizing the System for Administering Grants Electronically (SAGE) procedure. The estimate developed by our office for this application totaled \$86,100.
- Our office submitted the application electronically and received confirmation that the application was received by the NJDOT in advance of the April 18, 2008 deadline.
- 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 TRUST FUND APPLICATION: WILLOW GROVE ROAD, SECTION II

- 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 complete and the project will advertised Thursday, July 9, 2009 with a bid opening of July 21, 2009. We believe we will be in a position to make a contract award recommendation for the August 3, 2009 Committee meeting.

6. SMITH PROPERTY SUBDIVISION

- We have previously been advised that the Final Plat for this subdivision was recorded and filed with Warren County on April 30, 2009.
- The deed for the open space parcel requires Green Acres restriction language. Previously, our office prepared the deeds for each of the lots created by the subdivision and forwarded same to the Township Attorney to be filed with the County.
- Our office recently received notification that the Green Acres will not accept the new deed for the Green Acres parcel as they must have a survey to Green Acres standards referencing and depicting the newly created lots resulting from the subdivision of the property.
- Our office would be in a position and able to develop a new survey to Green Acres standards from the subdivision plat for a budgetary amount of \$2,000.00. We look to the Committee for authorization to proceed in this matter.

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 Blaszkza, presented the plan via a powerpoint presentation to the public at a public information session which was attended by approximately 50± citizens. The plan was generally well received and, we believe at this juncture, the funding mechanism(s) and sources are being evaluated and pursued.
- The wetlands have been delineated by our wetlands consultant and we have developed the plan which will accompany the Letter of Interpretation (LOI) application to the NJDEP. Since the Final Plat for the subdivision of the property (ref. report item #6) has been filed, an LOI application is now in a position to be submitted to the NJDEP. Our office will continue to communicate with our wetlands consultant, Jeff Tareila, regarding both the status and disposition of the LOI application with 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 an Oil and Chip resurfacing to both Buttermilk Bridge Road and Mountain View Road West. Our office is presently coordinating with all three (3) municipalities (re: bidding the project). The Joint Road Resurfacing Bid has been advertised with a bid opening set for July 21, 2009. We should be in a position to recommend an award at the August 3, 2009 Committee 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. The total for this grant program is \$50,000 with a maximum upset amount of \$100,000. This grant amount would be inclusive of all seven (7) modules required in conjunction with the plan conformance process. Confirmation should be made regarding the submission of these grant applications to the Highlands Council prior to the Township incurring any additional costs. The Township should be aware that receipt of these grant monies from the Highlands does NOT obligate the Township to “opt in” to the HRMP.
- 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 has made the necessary revisions to Module 1 which were recently resubmitted to the Highlands Council. At this juncture, I believe we are nearing the end and approval of Module 1 and will then proceed into Module 2.
- Module 4 is the Environmental Resources Inventory (ERI) component of the Highlands Plan Conformance process. Our office has completed Module 4 and will be submitting same to the Highlands Council in the very near future pending receipt of the acknowledgement form from the Township.

10. 2010 TRANSPORTATION ENHANCEMENT APPLICATION

- The Mayor and Township Committee previously authorized our office to prepare a grant application thru this program for the replacement and improvements to a portion of the sidewalk system in Asbury. Our office, on behalf of the Township, completed the application and submitted same electronically, as required, in advance of the May 13, 2009 deadline.
- Due to the fact that the sidewalks will be constructed within a County ROW, we were required to secure the County’s endorsement for the project. The County’s endorsement was received and forwarded to the NJDOT, as required, on June 25, 2009.

11. 2010 MUNICIPAL TRUST FUND APPLICATIONS

- This year’s applications were due prior to June 12, 2009 in electronic form via the SAGE system. We had previously 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 has completed this year’s application which was submitted for Good Springs Road between Mountain View Road and Asbury-Broadway Road. The application was submitted to the NJDOT via the SAGE system, as required, in advance of the June 12, 2009 deadline.

- Our office has also forwarded the required municipal resolution, adopted by the Township Committee at the June 1, 2009 meeting, to the NJDOT which completes the submission of a complete application. Notifications of award thru this program are typically made in October or November. Our office will keep the Committee apprised of the status of the NJDOT's processing of this application.

12. DRIVEWAY ESCROW REIMBURSEMENT

- The developer of a Block 45, Lot 3, George Chalamain, applied for a driveway permit for a property fronting on Good Springs Road. The developer has decided to abandon development of the lot in question and has requested return of funds that remain in his escrow account. Our office recommends that the Township Committee takes action to return the balance of his escrow (see separate correspondence dated July 2, 2009).

Committee Reports; Updates/Discussions –

Bonnie Butler – There has been reporting from the Ward residence of continual Third Street drainage problems. Per Mr. Finelli, this area has a long history of drainage problems. The Warren County Morris Canal Committee has been contacted to review scope of work and discuss concerns. The Morris Canal Committee supports the project to utilize the canal as a detention structure. The next phase would involve receiving property owner's permission to purchase the canal property or seek an easement on the property in order for construction work to develop the proposed basin.

Mr. Ward was present (Third Street resident) and expressed his dissatisfaction. He stated he has lived with the water problem for thirteen years, and believes it is time that something is done to correct it. He is tired of not receiving satisfaction. After continual discussion and argumentation, Mayor Butler closed the session to further comments.

Michael Ferri – Mr. Ferri reported that two quotes were received for the proposed heating project at the DPW Garage – one from Bodine Heating Service and the other from Advanced Heating and Air Conditioning. Authorization by the committee is needed to accept one of the quotes.

MOTION: By Michael Ferri and seconded by Michael Toretta to approve Bodine Heating Service for the proposed job.

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

Also, Mr. Ferri reported that two quotes were received to insulate the Garage – one from “Spray It” and one from “Spray Foam Insulators”. Approval needed by committee to proceed with project.

MOTION: By Mark Blaszk and seconded by Michael Toretta to approve Spray It for the proposed job.

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

Jeffrey DeAngelis – Mr. DeAngelis reported that Herder Terricone is reviewing Policy Manual to make sure everything coincides. Also, Health Insurance costs continue to increase.

Mark Blaszk – Reported that there is a sinkhole on Benjamin Drive and a tree in Asbury needs to be removed.

Michael Toretta – No report.

Mayor Butler also commented that she wanted the committee to be aware that the funds are low in the Road Maintenance Budget. Also, the DPW is low on their salt supply.

Additionally, she reported that all of the court records have been removed from the vault.

Speaking for Jim Onembo, Mayor Butler reported that some of the “abandoned properties” have not been cleaned up, and the clean up will possibly fall on the township.

Zoning/Jim Onembo – Absent

Recycling/Roger Bulava – Absent

OEM/Sonny Read – Absent

Open Space -- Beth Barry and Bob Hood present. Beth Barry reported that the Farmland Preservation Plan that was submitted at the end of 2007 has been approved. Further discussion will take place during Executive Session.

Open Public Session – No activity.

EXECUTIVE SESSION

BE IT RESOLVED, on this 6th day of July, 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/OPEN SPACE COMMITTEE **NEGOTIATIONS/SHARED SERVICES FRANKLIN TWP BOE/WOOLF FARM** **LEASE/H&K AUTO**

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 6th, day of July, 2009 by the Franklin Township Committee, that the matters stated will be discussed in executive session, said session to commence at 8:37 p.m.

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

On Motion by Michael Toretta and seconded by Jeffrey DeAngelis to return to the regular session at 9:32 p.m. Unanimous Vote

MOTION: By Jeffrey DeAngelis and seconded by Mark Blaszk to authorize the Open Space Committee to begin negotiations on the Leavens Property.

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

MOTION: By Michael Ferri and seconded by Michael Toretta to authorize the Open Space Committee to proceed with two appraisals on the DeAngelo property.

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

MOTION FOR PAYMENT OF BILLS: Jeffrey DeAngelis requested that an additional bill be added to the list for payment: Public Alliance Insurance Coverage Fund in the amount of \$25,777.

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

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

On motion by Jeffrey DeAngelis and seconded by Michael Toretta, hearing no objection, meeting stands adjourned at 9:43 pm. Unanimous Vote.

Respectfully submitted,

Nancy Jacobsen
Deputy Municipal Clerk