

**REGULAR MEETING**

The Franklin Township Committee held their regular monthly meeting at 7:05 pm on Monday, September 08, 2008. Mayor Bonnie Butler opened the meeting in accordance with the "Open Public Meeting Act" Chapter 231, P.L. 1975 having been duly advertised and a copy posted in the office of the Township Clerk.

**Present were:** Mayor Bonnie Butler, Mark Blaszk, Michael Ferri, Michael Toretta, Denise L. Cicerelle, Municipal Clerk, Michael Finelli, Engineer, John Zaiter, Esq., Jim Onembo, Zoning, Roger Bulava, Recycling, Raymond Read, OEM.

Following the flag salute the Regular Meeting Minutes of August 4th, 2008 were accepted on motion by Mark Blaszk and seconded by Michael Toretta, all in favor. Executive Session Meeting Minutes of August 4th, 2008 were accepted on motion by Michael Ferri, and seconded by Michael Toretta, all in favor.

Roll Call Vote: Committeeman Jeffrey DeAngelis absent

Mayor Butler noted that the Freeholders passed a Resolution in support of continued State Police Coverage without pay. Mayor advised that we all should be contacting the Governor's office in reference to the State Police Funding.

Youth Association – No one present but Committeeman Blaszk noted that the soccer season has started.

The following **Resolution 2008-57** was presented for First Reading/Adoption

**RESOLUTION 2008-57**

**Re-Appointment OEM Coordinator & Deputy**

**WHEREAS**, the Township of Franklin, County of Warren is required to have an Emergency Management Coordinator; and

**WHEREAS**, it is the desire of the Township Committee of the Township of Franklin, County of Warren, State of New Jersey to re-appoint Raymond Read as Emergency Management Coordinator for a period of 3 years per N J S P mandate beginning on September 12<sup>th</sup>, 2008 and ending on September 12<sup>th</sup>, 2011; and

**WHEREAS**, it is the desire of the Township Committee to appoint a Deputy Emergency Management Coordinator to assist Raymond Read during emergency operations or during his absence by vacation or illness; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Committee of the Township of Franklin, County of Warren, State of New Jersey re-appoint Clint Ziegler as said Deputy Emergency Coordinator for the Township of Franklin for a period of 3 years per N J S P mandate beginning on September 12<sup>th</sup>, 2008 and ending on September 12<sup>th</sup>, 2011.

On motion by Mark Blaszk and seconded by Michael Toretta the aforementioned **Resolution 2008-57** be adopted as read.

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

**CERTIFICATION**

I, Denise L. Cicerelle, Municipal Clerk of the Township of Franklin, County of Warren, and State of New Jersey hereby certify the foregoing Resolution is a true and correct copy of a Resolution adopted by the Township Committee of the Township of Franklin, at a regular meeting held on Monday, September 8th, 2008.

Dated: September 8, 2008

The following **Resolution 2008-58** was presented for First Reading/Adoption

**FRANKLIN TOWNSHIP  
RESOLUTION 2008-58**

**DEDICATION BY RIDER RESOLUTION REQUESTING PERMISSION FOR  
THE USE OF DONATION FUNDS FOR MOUNTAIN VIEW ROAD PAVING  
PROJECT WITHIN FRANKLIN TOWNSHIP**

**WHEREAS**, permission is required from the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and,

**WHEREAS**, NJS 40A: 4-39 provides that the Director of the Division of Local Government Services may approve expenditures or monies by dedication by rider; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township of Franklin, County of Warren, State of New Jersey as follows:

1. The Township Council does hereby request permission of the Director of the Division of Local Government Services to pay expenditures under the provisions of NJS 40A: 4-39 as amended as NJS 40A: 50-29, for the exclusive purpose of depositing and expending funds paid by individuals and businesses to offset costs of paving township streets and roads to include Mountain View Road in FRANKLIN Township that is in compliance with State regulations and laws.
2. The Municipal Clerk is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

On motion by Michael Ferri and seconded by Mark Blaszk a the  
aforenoted **Resolution 2008-58** be adopted as read.

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

I hereby certify the above to be a true copy of a Resolution adopted by the Township Committee of the Township of Franklin on the date above mentioned.

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

Dated: August 4, 2008

The following **Ordinance 2008-7** was presented for Final Reading/Adoption

**ORDINANCE 2008-7**  
**Amendment Salary Ordinance**

*ALL AUTHORIZED TOWNSHIP OFFICIALS OR EMPLOYEES OF THE TOWNSHIP WHILE ON OFFICIAL BUSINESS FOR THE TOWNSHIP, WHEN A SWORN VOUCHER IS APPROVED BY THE TOWNSHIP COMMITTEE, SHALL BE PAID 58.5 CENTS PER MILE FOR USE OF THEIR OWN PERSONAL VEHICLE.*

On motion by Mark Blaszk and seconded by Michael Ferri to approve at first reading the aforementioned **Ordinance 2008-7**.

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

**Discussion -** Brush, Noxious Weeds and Grass was addressed again with an updated version of ordinance prepared by Attorney Zaiter. Need an ordinance to address this on going problem. Another complaint on Beidleman Road was addressed to Mr. Onembo last week. Ordinance will be specific as to penalties and fines, posting the property and the DPW mowing the area and a charge to the property owner with a lien on that specific piece of land. This ordinance will be introduced at the October meeting.

**REPORTS, UPDATES/DISCUSSION:**

**Engineer's Report** – Mr. Finelli touch based on a few projects; DOT Grant awaiting notification. October's Land Use Board Meeting will address the township's subdivision to the old Smith property. Mountain View Road paved last week. Pole at the intersection of Rt. 57 and Millbrook Road, letter sent to the DOT addressing this problem.

**1. THIRD STREET DRAINAGE PROBLEMS**  
**(No change from last month's report)**

- As authorized by the Committee, our office sent a Highlands Applicability Determination (HAD) application to the Highlands Council to receive formal authorization to construct the project. Unfortunately, the Township's HAD application was denied by the Highlands Council as it did not meet the requirements to be classified as one of the Qualified Exemptions.

- Our office previously prepared and submitted a “Pre-Application” package for review by the NJDEP. Nevitt 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 recently 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.

**2. TOWNSHIP WASTEWATER MANAGEMENT PLAN  
(No change from last month’s report)**

- Mayor Butler recently received a letter, dated February 15, 2008, from Dave Dech, Warren County Planning Director, regarding the proposed new Water Quality Management Planning rules which will soon be adopted by the NJDEP. One of the major changes in the pending rules would be that the County would be designated as the Wastewater Planning Agency vs. the current regulation, which allows for each individual municipality to be their own Wastewater Planning Agency. At the March 3, 2008 Committee Meeting, there was a decision made for a correspondence to be issued by the Township regarding the Township’s desire to retain jurisdiction over wastewater planning issues. It is my understanding that Mayor Butler has forwarded a response to Warren County confirming the position of the Township where the Township would wish to remain as its own wastewater management planning agency.
- It is our understanding that the County Freeholders recently met and voted not to move forward towards becoming the County’s overall WMP agency. Therefore, all jurisdiction relative to Wastewater planning will remain with the individual municipalities.

**3. REGIONAL FLOOD MITIGATION PLAN  
(No change from last month’s report)**

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

#### 4. MILLBROOK ROAD ROADWAY FAILURE

(No change from last month's report)

- The Township DPW previously alerted our office to a significant problem to an existing section of Millbrook Road. Subsequently, we inspected a section of Millbrook Road which has exhibited significant failure. The section of the roadway in question is further north and beyond the limits of the Millbrook Road Realignment Project (reference Report Item #1).
- At the November 5, 2007 Township Committee Meeting, the Township Committee authorized our office to prepare an NJDOT Discretionary Grant Application based upon confirmation from the NJDOT that the application was both fundable and appropriate through this grant program. Our office completed and submitted the Discretionary Aid Grant Application to the NJDOT for consideration (refer to separate correspondence, dated December 24, 2007).
- The Township received notification that we were successful in obtaining a \$300,000 grant to stabilize and remediate the damage to the roadway.
- The Township Committee has authorized our office to prepare the construction plans for the project. Currently, we have completed the field survey work and base mapping of the area. We have met at the site with a representative of PMK to receive guidance regarding specific design requirements associated with the future stabilization and integrity of the steep slope on the northern embankment of the roadway adjacent to the stream. We will continue to keep the Committee apprised regarding this project.

#### 5. SAFE ROUTES TO SCHOOLS GRANT APPLICATION (SRTS)

(No change from 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.

#### 6. 2009 NJDOT MUNICIPAL TRUST FUND APPLICATIONS

- Our office has completed the grant applications associated with the 2009 NJDOT Transportation Trust Fund. Applications for portions of both Willow Grove Road (0.17 miles in the amount of \$147,532.00) and Good Springs Road (1.52 miles in the amount of \$209,910.00) have been prepared utilizing the System for Administering Grants Electronically (SAGE) procedure. These applications were approved via Resolution by the Township Committee at the June 2, 2008 Committee meeting.
- Our office has forwarded the Approval Resolutions passed by the Committee to the NJDOT as required. At this point, all documentation has been forwarded to the NJDOT and the applications are being reviewed by the NJDOT. Typically,

grant award notices are made in the late Fall of each year. We hope to get a response from the NJDOT by the end of November, 2008.

**7. SMITH PROPERTY SUBDIVISION**

- Our office met with attorney Zaiter and coordinated with attorney Schneider regarding development of the subdivision application on behalf of the Township. At this juncture the application should be in a position for submission to the Township Land Use Board for their October meeting.

**8. NEW VILLAGE PLAZA**

- Recently, it was brought to our attention that there is an obstructed line of sight looking to the west at the exit drive. The obstructed line of sight is caused by a “Do Not Enter” sign. Our office has contacted the developer to relocate the sign in an effort to eliminate this sight line obstruction.

**9. TOWNSHIP RECREATIONAL FIELDS COMPLEX**

- Our office has met with Deputy Mayor Blaszk a on a number of occasions regarding the design for the Township Recreational complex. We have recently forwarded to Mr. Blaszk a a revised Concept Plan for the future Township recreational fields complex.
- The wetlands have been delineated by our wetlands consultant and we have developed the plan which will accompany the Letter of Interpretation (LOI) application to the NJDEP. It was decided to wait until the subdivision of the property was perfected before the application is submitted to reduce the total acreage of the property which will reduce the required application fees.
- Our office is currently in the process of completing the subdivision plan and hope to submit same for action by the Township Land Use Board at their October 6, 2008 meeting. We will continue to coordinate with Attorneys Zaiter and Schneider and Land Use Board Secretary Housman regarding the submission of the application by the Township to the Land Use Board.

**10. MOUNTAIN VIEW ROAD PAVING**

- Our office assisted in the coordination with Tilcon to pave the roadway. There was much discussion regarding the exact location of the roadway and the width of same which was ultimately resolved in the field with input from the adjacent property owners, Mayor Butler, our office and the DPW. Our office field established the alignment and coordinated with Tilcon regarding the paving operation. The final section of the roadway (which had never been previously paved) was paved on September 2, 2008 for the entire length and is much safer as a result of the increased sight lines, improved geometry and the paving of the cartway. The roadway is now ready for centerline striping and the installation of some edge of pavement and/or “chevron” (curve warning) signs.

**11. MILLBROOK ROAD / NJSH ROUTE 57 INTERSECTION: POLE RELOCATION**

- As a follow-up and in response to complaints from a number of Millbrook Road residents, our office has investigated the ability for the relocation of an existing signal service pole at the Millbrook Road/NJSH Route 57 intersection. On September 4, 2008, our office forwarded a “package” of information to Mr. Alexander Parr, NJDOT, for Mr. Parr’s review and use in his evaluation of the feasibility for this pole relocation. Our office will continue to keep the Township Committee apprised regarding any response we receive from Mr. Parr and the NJDOT.

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

### **Committee Reports –**

Michael Ferri – Thanked Jeff Day and Denise Losty for their work efforts dedicated to Mountain View Road. DPW needs a few garage doors replaced. Block Building door would cost \$1100 and 2 doors on the bldg would cost \$1200. The green building near the road, old salt building, would cost approximately \$1500. Steve Tabert noted that the floor would also need to be replaced in the old salt building to be used. The 1981 International needs to come out of service and off the insurance, frame broke, body is ready to fall off and beyond repair. The plow that is on this truck will fit the other 3 trucks per Tabert, and the tires will be interchangeable. Pump can be used on the other International. Also, Mr. Ferri advised we should start to consider re-insulating the DPW building, it has started to fall off the walls, Foreman to obtain estimates. Traditional tire chains on trucks are needed and would cost approximately \$800 a set and are labor intensive. Instead Automatic Chains work with a push of a button come out automatically from underneath the truck and would cost approximately \$5200 for 2 trucks. Steve Tabert commented that the squad has them mounted on 2 of their ambulances and they work great. Mayor Butler will check on available funds with the CFO. Mr. Tabert commented as to the scrap money received could be used for the chains and garage doors could come out of capital. Lastly, Mr. Ferri commented those full time employees swapping Veteran's day holiday with December 26<sup>th</sup> to have the building closed for 5 days, turning down the heat.

Michael Toretta – Attending the Farmland Preservation Meeting all is going well.

Jeffrey DeAngelis – Absent

Mark Blaszkowski – Community Room do we favor a curtain to divide the room or bathrooms. All agreed to the bathrooms for the community room. Committeeman DeAngelis is working on the Key Access System.

Bonnie Butler – Mayor informed that the Warren County Planning Board sent a letter of support for I-78 corridor. Cell Tower applicant in front of the Land Use Board. Mr. Onembo advised not sure if it will meet our ordinance specifications. Fire Chief Read advised that the fire department wanted to put one on their property but was turned down due to a height restriction. This would be a good source of revenue for the committee, mayor advised the amendment to the ordinance was shot down. Chuck McGroarty emailed, mayor, and advised that the governor came to realization that there is a contradiction with Highlands and COAH. 60 days to revamp. As per our CFO, \$1053 of Franklin Fire's allotment was used by Asbury Fire for their bills. Franklin Fire is in need of suiting 5 new members for fire school at an approximate cost of \$9500 for turn out gear. (turn out gear has a 12 year shelf life then it is not NFPA Standard for use anymore) Also money available in the budget to maintain the township owned trucks. Chief Read commented that Franklin Fire hasn't come to the township asking for additional money in 8 years. Asbury Fire Company informed the mayor that they need additional money for Pass Devices. Chief Read requested that Franklin Fire needs money for maintenance of the vehicles now. Mayor will sit down with the CFO to figure out available funds and Asbury Fire needs to sit down with the mayor in reference to their finances as well. Chief Read questioned if the DPW Mechanic could do the oil changes for the township owned trucks to save money, which is done every 2 years. Employee health costs have had a considerable rate increase, township pays 50% of the increase and the employee pays the other 50%. A chart was provided to the committee by our CFO showing cost for the township and cost for each employee. Mayor will sit down with CFO for further comment of cost and review of the policy.

**New Jersey State Police** – A trooper arrived late and addressed the committee as to any concerns that they might have. Mayor Butler advised that all children are now

being bused to the Franklin Township School, so there will be no more walkers to and from school. A mailbox caper on Mountain View Road, knocking over 20 boxes, unless seen by a witness would be hard to investigate per the trooper. Mayor informed trooper that she received a complaint as to a delivery at the Asbury Willows between 4:00 and 5:00 am from Doug Muessig, Mr. Onembo will call Mr. Muessig due to our Noise Ordinance. We had a war of the hot dog carts with one using a veterans status, but the veteran status extended to the family to work the cart, we advised not how that is supposed to work and would need a Mercantile License we haven't seen this vendor after that.

**Recycling Coordinator** – Mr. Bulava attended the Solid Waste Advisory Meeting touched base on the Class C application vs. Class B. Class B can bring in stumps/tree to recycling area as well as increase tonnage considerably. Also, Mr. Bulava will be reviewing our Recycling Ordinance adopted back in 1988, he received a boiler plate of an ordinance of the states.

**Open Space/Beth Barry** – Mrs. Barry informed committee as to how busy they are. Gardner Farm will be closing this week. A new Farmland Preservation Plan needs to be updated per state requirements, Morris Land Conservancy cost to do this update would be \$3500. Bob Hood volunteered to do this instead of us paying Morris Land to complete the job. December 15<sup>th</sup> is when the state needs the final plan. Mrs. Barry requested from the committee to authorize the Open Space Committee to submit the amended draft plan for the PIG Application to the County Agriculture Board. On motion by Mark Blaszkas and seconded by Michael Toretta granting authorization.

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

October 7<sup>th</sup> at 4 pm at Waterloo Village Municipalities to sign the Wildlife and Scenic Agreement. Lastly, looking for a representative to the Musconetcong Watershed Association, meets every other month, 3<sup>rd</sup> Tuesday.

**OEM** – Mr. Read informed the committee that he was contacted by the Mayor of Little Egg Harbor needing help in setting up their OEM Plan. Also, Franklin Fire Company is running all calls with Asbury Fire Company due to being short handed. Mountain View Road a lot better now that paved fire trucks can actually get up the road now, little narrow at the top to maneuver the trucks.

**Open Public Session** – No comments

**EXECUTIVE SESSION**

**BE IT RESOLVED,** on this 8th day of September, 2008, by the Township Committee of the Township of Franklin and pursuant to N.J.S.A. 10:4-1, that the Township Committee shall discuss the following matter in executive session

**BRANDYWINE LITIGATION/MOUNTAIN VIEW ROAD LITIGATION/PROPERTY AUCTION SALE**

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 8th, day of September, 2008 by the Franklin Township Committee, that the matter stated will be discussed in executive session, said session to commence at 8:19 p.m.

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

On motion by Michael Ferri and seconded by Michael Toretta to return to the regular session 8:55 p.m. Unanimous Vote

Mayor Butler commented that the Ethinol Lady would like for her to visit a plant. Principles needs to be presented to the Land Use Board.

On motion by Michael Ferri and seconded by Mark Blaszk a to pay the appropriate bills.

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

On motion by Mark Blaszk a and seconded by Michael Ferri, hearing no objection, meeting stands adjourned at 8:58 pm. Unanimous Vote.

Respectfully submitted,

Denise L. Cicerelle, RMC/CMR  
Municipal Clerk