

REGULAR MEETING

The Franklin Township Committee held their regular monthly meeting at 7:00 pm on Monday, September 14, 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, Michael Toretta, Denise L. Cicerelle, Municipal Clerk, Nevitt Duveneck, Engineer, and Brian Tipton, Esq., Jim Onembo, Zoning Officer.

Following the flag salute the Regular Meeting Minutes of August 10, 2009 were accepted on motion by Mark Blaszk and seconded by Jeffrey DeAngelis, all in favor. Executive Session Meeting Minutes of August 10, 2009 were accepted on motion by Michael Toretta, and seconded by Michael Ferri, all in favor.

Trooper Stanley from the New Jersey State Police was in attendance at this month's meeting. Patrols have been stepped up on Halfway House Road, per Lt. Iannone.

The following Resolution #2009-69 was presented for First Reading/Adoption

Resolution No. 2009-69
RESOLUTION ENDORSING THE "GREEN ACRES, WATER SUPPLY AND FLOODPLAIN PROTECTION, AND FARMLAND AND HISTORIC PRESERVATION ACT OF 2009."

WHEREAS, continued investment in open space, farmland and historic preservation is vitally important to the state, as it enhances New Jersey's economy and health, safeguards its remaining natural, agricultural, recreational and cultural resources and preserves its character; **and**

WHEREAS, New Jersey continues to face incredible pressure from development, losing 50 acres of open space daily in recent years to new development projects; **and**

WHEREAS, protecting open spaces and improving community parks throughout the State, including urban areas, supports New Jersey state and local economies by stabilizing local property taxes and revitalizing communities; **and**

WHEREAS, the Garden State Preservation Trust, the financing authority for the Green Acres, Blue Acres, Farmland Preservation, and Historic Preservation programs, is virtually depleted; **and**

WHEREAS, on November 3, 2009, the voters of New Jersey will be asked to approve the Green Acres, Water Supply and Floodplain Protection, and Farmland and Historic Preservation Act of 2009," which authorizes the state to issue \$400 million in bonds to fund New Jersey's preservation programs for three years; **and**

WHEREAS, passage of the Bond Act, which will equate to \$10 per household per year, is desperately needed to fund the continued protection of New Jersey's natural areas and cultural sites while a long-term funding solution for the Garden State Preservation Trust is determined and secured; **and**

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the municipality of Franklin Township, in the county of Warren and State of New Jersey as follows:

1. We support the passage of the Green Acres, Water Supply and Floodplain Protection, and Farmland and Historic Preservation Act of 2009

2. We encourage the voters of New Jersey to vote yes on the Green Acres, Water Supply and Floodplain Protection, and Farmland and Historic Preservation Act of 2009 on November 3, 2009.
3. The Municipal Clerk is hereby authorized to provide a copy of this Resolution to the following:

Duly authenticated copies of this Resolution shall be transmitted to:

The Honorable Jon Corzine, Office of the Governor, PO Box 001, Trenton, NJ 08625
 State Senators
 State Assemblypersons
 The Land Conservancy of New Jersey, 19 Boonton Ave., Boonton, NJ 07005
 Keep It Green c/o NJ Audubon Society, 142 W. State Street, 4th Floor, Trenton, NJ 08608
 Daily and Weekly Newspapers

Adopted:

Municipal Clerk

On motion by Mark Blaszk and seconded by Michael Toretta the aforementioned **Resolution 2009-69** 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	(5) Yes (0) No (0) Absent	Motion Carried

The following Resolution **#2009-70** was presented for First Reading/Adoption

RESOLUTION NO.
2009-70

WHEREAS, Crusader Servicing Corp. holds Tax Sale Certificate # 08-01 and has paid subsequent taxes on Block 51.02 Lot 6 and,

WHEREAS, the property owner has redeemed this lien,

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Committee authorize the Tax Collector to refund the sum of \$ 31,788.78 to Crusader Servicing Corp. 6526 Castor Ave._ Philadelphia, PA 19149.

On motion by Michael Ferri and seconded by Michael Toretta the aforementioned **Resolution 2009-70** 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	(5) Yes (0) No (0) Absent	Motion Carried

Dated: September 14, 2009_

PUBLIC HEARING AND CONSIDERATION OF:

The following **Ordinance 2009-8** was presented for Final Reading/Adoption

ORDINANCE 2009-8

**AN ORDINANCE APPROPRIATING THE SUM OF \$21,864.00
CURRENTLY LOCATED WITHIN THE CAPITAL
IMPROVEMENT FUND OF THE TOWNSHIP OF
FRANKLIN FOR NEW FURNACE AND RELACEMENT OF INSULATION AT
THE TOWNSHIP OF FRANKLIN ROAD GARAGE BUILDING**

MOTION: To open Public Hearing by Jeffrey DeAngelis, seconded by Michael Toretta.

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 (0) No	(0) Absent
Motion Carried			

PUBLIC COMMENTS: None

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

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 (0) No	(0) Absent
Motion Carried			

On motion by Committeeman Mark Blaszk and seconded by Committeeman Michael Ferri the aforementioned ordinance be adopted at final reading.

Roll Call Vote	Yes	No	Absent/Abstain
Mark Blaszk	X		
Jeffrey DeAngelis	X		
Michael Ferri	X		
Michael Toretta	X		
Mayor Bonnie Butler	X		(5) Yes (0) Absent
Motion carried			

Dated: September 14, 2009

PUBLIC HEARING AND CONSIDERATION OF:

The following **Ordinance 2009-9** was presented for Final Reading/Adoption

ORDINANCE 2009-9

**AN ORDINANCE APPROPRIATING THE SUM OF \$18,000.00
CURRENTLY LOCATED WITHIN THE CAPITAL
IMPROVEMENT FUND OF THE TOWNSHIP OF
FRANKLIN FOR NEW ENTRANCE DOOR AND MONITORING SYSTEM
FOR TOWNSHIP MUNICIPAL BUILDING**

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		
		(5) Yes (0) Absent	(0) Abstained
		Motion Carried	

PUBLIC COMMENTS: None

COMMITTEEE COMMENTS: Comment that back door cost came out of Recreation Funds Line Item

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

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 (0) Absent	(0) Abstained
		Motion Carried	

On motion by Committeeman Mark Blaszk and seconded by Committeeman Michael Ferri the aforementioned ordinance be adopted at final reading.

Roll Call Vote	Yes	No	Absent/Abstain
Mark Blaszk	X		
Jeffrey DeAngelis	X		
Michael Ferri	X		
Michael Toretta	X		
Mayor Bonnie Butler	X		
			(5) Yes (0) Absent
		Motion carried	

The following **Ordinance 2009-10** was presented for First Reading/Adoption

Engineer Duveneck commented that the monies appropriated in this Ordinance supplements the other money from the Grant Awarded to the township. The Grant was only for Willow Grove Road and this now ties in Good Springs Road in with the Capital monies.

ORDINANCE 2009-10

**AN ORDINANCE APPROPRIATING THE SUM OF \$50,000.00
CURRENTLY LOCATED WITHIN THE CAPITAL
IMPROVEMENT FUND OF THE TOWNSHIP OF
FRANKLIN FOR PAVING GOOD SPRINGS AND WILLOW GROVE ROADS IN
THE TOWNSHIP OF FRANKLIN, COUNTY OF WARREN, NEW JERSEY**

WHEREAS, there are currently funds, raised by the Current and previous, budgets within the Capital Improvement Fund of Franklin Township, and

WHEREAS, it is deemed appropriate to make use of \$50,000.00 of the allowable Capital improvements for the paving of Good Springs and Willow Grove Roads in the Township of Franklin.

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

Section 1. The sum of \$50,000.00 presently located in the Capital Improvement Fund is hereby appropriated for paving of Good Springs and Willow Grove Roads in the Township of Franklin.

Section 2. In connection with the amount authorized in Section 1 hereof, the Township Committee makes the following determinations.

A) The purpose described in. Section 1 hereof is not a Current Expense and is an improvement which the Township may lawfully take as a general capital improvement

B) The period of usefulness of the purpose described in Section 1 hereof is not in the limitation of the Local Bond Law and the reasonable life

thereof is at least five (5) years.

Section 3. All ordinances or parts of ordinances which are inconsistent with the terms of this ordinance be and the same are hereby repealed to the extent of their inconsistency.

Section 4. This ordinance shall take effect immediately after final passage, approval and publication as provided by law.

On motion by Committeeman Michael Ferri and seconded by Committeeman Mark Blaszk a the aforementioned ordinance be adopted at first reading. Final reading and adoption on **October 5th, 2009 at 7:00 p.m.**

Roll Call Vote	Yes	No	Absent/Abstain
Mark Blaszk a	X		
Jeffrey DeAngelis	X		
Michael Ferri	X		
Michael Toretta	X		
Mayor Bonnie Butler	X	(5) Yes	(0) Absent Motion carried

The following **Ordinance 2009-11** was presented for First Reading/Adoption

**TOWNSHIP OF FRANKLIN
ORDINANCE NO. 2009-11**

**ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF WARREN,
STATE OF NEW JERSEY, OF THE CODE OF THE TOWNSHIP OF
FRANKLIN TO REGULATE TEMPORARY MUNICIPAL STREET CLOSURE.**

WHEREAS, the Committee of the Township of Franklin, County of Warren, State of New Jersey, has experienced road closures in the past for private use, and such closures have caused inconvenience to Township residents;

WHEREAS, N.J.S.A. § 40:67-1(c) grants the Township the authority to “[p]rescribe the time, manner in which and times upon which persons shall exercise any privilege granted to them in the use of any street . . . or public place.”

NOW, THEREFORE, BE IT ORDAINED by the Committee of the Township of Franklin, County of Warren, State of New Jersey that Chapter 129, “Temporary Municipal Street Closure,” of the Code of the Township of Franklin shall read as follows:

Section 1:

CHAPTER 129

TEMPORARY MUNICIPAL STREET CLOSURE

§129-1. Prohibition on the closure of municipal roads without permit.

a. No **non-resident** person, business entity, organization, or association shall close, block, or otherwise hinder traffic on a municipal street, within the Township of Franklin, without authorization obtained pursuant to § 129 -2. Any violation of this section shall be punished by a fine and/or imprisonment as provided in §129-7.

§129-2. Authorization to issue permit, Application.

a. The **municipal clerk** shall be authorized to issue a permit for the temporary closure of any municipal street.

b. At least 30 days before the closure of a municipal road, an application for such permit shall be filed with the Township of Franklin with the following information:

- (1) Date and hours of temporary closure, and list of persons and addresses of parties applying for road closure;
- (2) Copy of Franklin Township Tax Map showing street location and surrounding cross-streets to be temporarily barricaded;
- (3) Short statement of purpose for street closure;
- (4) Assurances of complete accessibility to all areas of street for emergency vehicles;
- (5) Notification to Public Works at least 72 hours prior to events to drop-off barricades based upon availability;
- (6) Notification to Public Works on next business day to request pick-up of barricades;
- (7) The application may require such additional information as the Township Committee prescribed by resolution.

c. The application shall be accompanied by a fee in the amount of **\$1000 per day**. Such fee shall be refundable in the event that the permit is denied. The permit shall be granted by the municipal clerk upon determining that the party is authorized and responsible. If a permit is granted, Applicant must comply with §129-6 as applicable.

d. The application shall be denied if the municipal clerk determines that blocking the street or portion thereof on the date requested in the application will unduly interfere with the flow of vehicular traffic. The municipal clerk shall advise the Applicant, in writing, of the reason for the denial of the application.

§129-3. Clean-up after closure.

The Applicant shall be responsible for the removal of litter, debris, and other materials from the street or portion thereof that is closed pursuant to permit.

§129-4. Obstacles blocking streets.

A municipal street closed pursuant to a valid permit shall not be obstructed by obstacles which cannot be readily moved to allow emergency and hazard vehicles to enter it in response to an emergency.

§129-5. Permits requesting closure exceeding 48 hours.

Any application requesting the closing of any street for a period greater than 48 consecutive hours shall not become effective unless and until it has been submitted to and approved by the Commissioner of the Department of Transportation where required by law.

§129-6. Liability

a. The person, business entity, organization or association to whom the permit is issued shall be liable for losses, damages, or injuries sustained by any person in connection with the municipal street closure, whether or not said losses, damages or injuries arise by reason of the negligence of the person, business entity, organization or association to whom such permit shall have been issued.

b. The Applicant shall be required to enter into a Hold Harmless Agreement, which Agreement shall provide that the Applicant shall agree to save and hold the Township of Franklin harmless of and from any and all obligations and liabilities which may arise from the temporary street closing which represents the subject matter of the application.

c. The Applicant shall further agree as part of these provisions to hold harmless the Township of Franklin and to defend at the Applicant's own cost and expenses any claims or lawsuits instituted by third parties, which obligations or liabilities might otherwise exist or be asserted against the Township of Franklin.

d. The Applicant shall be further required, prior to the issuance of a permit, to submit evidence of liability insurance covering damages to property and injuries to members of the general public arising out of the temporary municipal street closing for at least 1,000,000 or greater as determined by the **municipal clerk with advice from the Township's Engineer and/or Attorney.**

§129-7. Penalties for offenses.

Any non-resident person, business entity, organization, or association who shall violate any provision of this chapter shall, upon conviction, be subject to a penalty of not more than **\$2500.00.** Each day of violation shall constitute a separate offense. 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

Section 2:

Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Section 3:

Repealer. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

Section 4:

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

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

On motion by Committeeman Michael Ferri and seconded by Committeeman Jeffrey DeAngelis the aforementioned ordinance be adopted at first reading. Final reading and adoption on **October 5th, 2009 at 7:00 p.m.**

Roll Call Vote	Yes	No	Absent/Abstain
Mark Blaszk	X		
Jeffrey DeAngelis	X		
Michael Ferri	X		
Michael Toretta	X		
Mayor Bonnie Butler	X	(5) Yes	(0) Absent Motion carried

APPROVAL

Raffle Application #RA 2009-7 (Musconetcong Watershed Association/Off Premises Merchandise Raffle dated May 2, 2010)

Presented for approval on motion by Jeffrey DeAngelis and seconded by Michael Ferri, to approve said Raffle License.

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 (0) Absent (0) Abstained	Motion Carried

APPROVAL:

Abandoned Property Mowing Quotes (Grass/Weeds Maintenance) Two quotes were received and reviewed by committee.

ST Transportation/Asbury, NJ \$75 per hour per person.

Grist Mill Transportation, Phillipsburg, NJ \$65 per hour/need further clarification of job and Certificate of Insurance received, Workers Compensation coverage is expired. Attorney Tipton to confirm procedures as to applying a municipal lien on the property after the mowing/clean up is complete.

On motion by Michael Toretta and seconded by Michael Ferri to approve and accept ST Transportation Quote.

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 (0) Absent (0) Abstained	Motion Carried

REPORTS:

Engineer’s Report –

Engineer Duveneck reported that the Millbrook Road Project is pretty much complete. Final voucher to follow next month. Mr. Duveneck also attended the Transportation Enhancement Training for the 2010 Transportation Enhancement Application. At this time Mr. Duveneck needs authorization to put this application together on behalf of the township. Committeeman Toretta questioned that the grant amount of \$76,000 would be enough to do the project? Mr. Duveneck commented he believes it would be. The grant can be crafted to make sure it won’t exceed the \$76,000. Also no soft cost is reimbursable out of the grant. Sidewalks will go in on the firehouse side in Asbury with grant monies. Committeeman Ferri commented to the need of a cross walk by the firehouse. Jim Onembo commented if money would be available in this grant to put in street lights? Mr. Duveneck will ck into this and also to where a cross walk to be placed.

On motion by Mark Blaszkka and seconded by Jeffrey DeAngelis to authorize Mr. Duveneck to put the 2010 Transportation Enhancement Application together.

Roll Call Vote	Yes	No	Absent/Abstained
Mark Blaszkka	X		
Jeffrey DeAngelis	X		
Michael Ferri	X		
Michael Toretta	X		
Mayor Bonnie Butler	X	(5) Yes	(0) Absent (0) Abstained Motion Carried

Committeeman Ferri raised a question to Engineer Duveneck if he had an opportunity to speak with Z Brothers, who will be heading the Willow Grove/Good Springs Road Project? Mr. Duveneck advised that there will be a pre construction meeting this Friday at 10:00 am at the municipal building. Also, how was the meeting last Friday in reference to the drainage problem on upper Willow Grove Road? Mr. Duveneck met with Mr. Bohler, he has agreed to allow work to be done on his property to alleviate the drainage problem. An agreement will be drawn up prior to the work.

1. THIRD STREET DRAINAGE PROBLEMS

- 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). Our office then forwarded a follow-up correspondence to the Warren County Morris Canal Committee in answer to questions they raised in their review of the project.
- 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 optimistic that the project can move forward into the design phase once the required property is secured by the Township.
- 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 will continue to attempt to schedule a meeting with Mr. Chiu, but will most likely need some degree of Township intervention based upon our unsuccessful attempts to schedule this meeting to date.
- Our office received a copy of a letter to Mayor Butler from John H. Moyle, P.E., Manager, NJDEP Bureau of Dam Safety and Flood Control, dated July 30, 2009,

which proposes to extend the existing grant agreement for a period of three (3) years to August 31, 2012. It is our understanding that Mayor Butler signed the Grant Amendment Modification Form subsequent to the August 10, 2009 Committee meeting which should have then been forwarded to the NJDEP in advance of the August 30, 2009 deadline.

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. We have spoken with numerous NJDEP personnel 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, with assistance from both Denise Cicerelle and Dawn Stanchina, and as per authorization from the Committee at the June 1, 2009 meeting, has developed the grant application. At the August 10, 2009 Committee meeting, the Township Committee approved a Resolution which was a requirement of the submission of the grant application. Our office has forwarded the completed grant application to the NJDEP via correspondence dated August 19, 2009.

3. MILLBROOK ROAD (2008 NJDOT DISCRETIONARY GRANT)

- 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.
- The final paving work has just been completed. Some additional pavement related work (asphalt berms and end treatments) remain and our office will continue to coordinate with the contractor regarding these final items in order to bring this project to completion. Currently, our office is scheduling the required

pavement testing. Be advised, according to our calculations and analysis to date, we believe that the final adjusted total cost for this project (which can also be inclusive of the pavement testing and construction inspection costs incurred) is expected to be very near the total grant amount of \$300,000. We expect that the final voucher and change order from the contractor will be submitted for consideration at the October Committee meeting.

- Our office has prepared and submitted a NJDOT Progress Payment Voucher to allow the Township to get a progress payment from the State for the project.

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

- 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 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 received the Committee's authorization begin the field survey, base map preparation for the design phase of the project.
- At this time, our office has completed the survey work and will begin developing the base maps in preparation for the design 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 have marked-out 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 contracts have been signed by the contractor and we have forwarded them to the municipality for execution. According to the contractor, they will be ready to start the project on Monday, September 21, 2009.
- The NJDOT initial voucher, in the amount of \$90,000. has been submitted to the NJDOT which represents the initial reimbursement amount due the Township of Franklin.

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 received Committee authorization to prepare the new survey to Green Acres standards from the subdivision plat. Our office forwarded a copy of completed Green Acres Survey to the State for review. Subsequently, we received some minor comments. Additionally, Green Acres required that additional monuments be installed at certain property corners. We will update the survey and resubmit same to Green Acres in the immediate future.

**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 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. 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.
- 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.
- Our office completed Plan Conformance Module 1 which was previously 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.

- 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 made the necessary revisions to Module 1 which was previously resubmitted to the Highlands Council.
- Our office recently received the Module 2 CD and resultant Build-Out Report from the Highlands Council. We are continuing thru the process of the review and edits associated and required with Module 2 and will be resubmitting same to the Highlands Council in the near future.
- It is our understanding that Chuck McGroarty, P.P., is working on and will be responsible for Modules 3 and 5, as they are associated with the required amendments and changes to the Township Master Plan along with the Housing Element and Fair Share Plan (i.e. COAH Plan).
- Module 4 is the Environmental Resources Inventory (ERI) component of the Highlands Plan Conformance process. Our office has completed Module 4 and we have submitted same to the Highlands Council.

9. 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.
- The Township was awarded a \$76,000 grant for the project. As a NJDOT requirement for this grant, our office recently attended a Transportation Enhancement (TE) training session.
- This is a "fast-track" grant as it is funded through the American Recovery and Reinvestment Act (ARRA) which requires the project to be "Authorized" by January 4, 2010. As a result of the compressed schedule and the lengthy process to receive this project authorization, it would be our recommendation that the Township Committee, authorize our office to begin development of the plans at the September 14, 2009 Committee meeting.

10. 2010 MUNICIPAL TRUST FUND APPLICATIONS

(No change since last month's report)

- 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.

Attorney Report on file –

Attorney Tipton needs guidance with the Valley Greene Estates Fence issue. Mr. Tipton has been assisting a member of the Homeowners Association for several months as to who is responsible to oversee the maintenance of the fences in that association. This is an association that involves three separate sub divisions with interlocking agreements. The Homeowners Association's intention is to enforce the fence issue with the township having an option to step in and to use township monies. The mayor and committee's consensus, if there is not a township violation then we should not get involved and either should the attorney with any other discussions.

Deemed Unfit Property on Halfway House Road, per Attorney Tipton, a hearing is more detailed, need to do a title search in order to find out who owns property. Construction Official, Walt VanLieu, will need to provide a written report, with issues itemized to secure the property. Neighbors of this property were in attendance, Cathy Pineno advised that she was in contact with our Tax Collector and Tax Assessor and they have confirmed that a gentleman, by the name of Tad Dubrowski, has been paying the taxes on this particular property since 2004 and believed the township foreclosed on the property. The Secretary of Veterans Affairs is still the rightful owner of this property. Concerns are: property values going down around this house, neighbors are mowing the grass and parking their cars in the driveway, house not secured, poison sumac growing in the back yard. Jim Onembo advised that a certified letter has been mailed out and the property has been posted as to the grass/weeds. Neighbor Michelle Stone of 32 Halfway House Road has requested to be notified when the sumac trees will be taken down due to her being highly allergic to them.

Charitable Solicitations on highway, attorney was asked to review as to the fire/squad doing coin drives. Apparently a township ordinance in needed to be provided with the application submitted to the state to permit this activity on a street/highway. Attorney Tipton to prepare ordinance for next month.

A complaint was received by Mr. Rebo residing on Willow Grove Road as to the flooding on the road and his property. Mr. Rebo is willing to put a curb in to stop water from flowing onto his property. Jim Onembo advised that this water problem existed prior to houses being put in. Apparently there is a stream in this area that backs up on to the property. Attorney Tipton was advised by the committee to take no further action with Mr. Rebo as this matter is not the township's responsibility to correct.

Recycle Coordinator- Not Present.

OEM – Not present

Open Space – No one present

Zoning/Jim Onembo – Mr. Onembo commented as to how many properties that were posted for over grown grass have been mowed. Per Road Foreman, Ron Read, he has taken notice that three properties still have not been cut. Also Mr. Onembo asked if anyone has come in for Charitable Clothing Bin Permits, none to date have been issued. Clerk to provide Mr. Onembo with another copy of Ordinance for his use.

Committee Reports; Updates/Discussions –

Michael Ferri – Committeeman Ferri reported that the 1998 Mason Dump Truck at the DPW garage needs tires and front end replaced. Cost for new tires would be approximately \$300 a piece and to replace the front end would be approximately \$2213.00. Mayor Butler to check with CFO to see if funds are available for replacement. Committeeman Toretta commented that he can't see spending the money on this truck it's not worth it. Committeeman Blaszkza commented to get specs on this truck to possibly replace it and get quotes/state bid.

Michael Toretta – Nothing further to report.

Jeffrey DeAngelis – Nothing further to report.

Mark Blaszkza – Deputy Mayor Blaszkza informed that a meeting was held with Joe Flynn and George Buniak as well as Mayor Butler as to the Community Center usage.

Mayor Bonnie Butler – Reported that the Rabies Clinic will be held this year on Saturday, December 5th from 2-4pm. Also a letter was received from the state as to funding available for Fire and EMS for Hepatitis B vaccinations. Due to no representation from the Open Space Committee Mayor Butler reported on their behalf, requesting approval for an appraisal to be done on the Richard Smith Property.

On motion by Michael Ferri and seconded by Michael Toretta, to approve the appraisal to be done.

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

Open Public Session

Carl Sigler – Commented as to a nice job on Millbrook Road, it's too bad we didn't have enough funds to continue all the up the top of the road, but it's the best that he's seen the mountain road in a long time.

EXECUTIVE SESSION

BE IT RESOLVED, on this 14th day of September, 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/FARMLAND RENTAL/PERSONNEL

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 14th, day of September, 2009 by the Franklin Township Committee, that the matters stated will be discussed in executive session, said session to commence at 8:10 p.m.

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

On Motion by Michael Ferri and seconded by Michael Toretta to return to the regular session at 8:52 p.m. Unanimous Vote

MOTION: By Michael Ferri and seconded by Michael Toretta to authorize an Appraisal to be done by Heffernen as to the Brandywine matter.

Roll Call Vote	Yes	No	Absent/Abstained
Mark Blaszk a	X		
Jeffrey DeAngelis	X		
Michael Ferri	X		
Michael Toretta	X		
Mayor Bonnie Butler	X	(5) Yes (0) Absent	(0) Abstained

MOTION FOR PAYMENT OF BILLS:

On motion by Jeffrey DeAngelis and seconded by Mark Blaszk a, to pay the appropriate bills.

Roll Call Vote	Yes	No	Absent/Abstained
Mark Blaszk a	X		
Jeffrey DeAngelis	X		
Michael Ferri	X		
Michael Toretta	X		
Mayor Bonnie Butler	X	(5) Yes (0) Absent	(0) Abstained

On motion by Michael Ferri and seconded by Michael Toretta, hearing no objection, meeting stands adjourned at 8:55 pm. Unanimous Vote.

Respectfully submitted,

Denise L. Cicerelle, RMC/CMR
Municipal Clerk