

REGULAR MEETING

The Franklin Township Committee held their regular monthly meeting at 7:00 pm on Monday, October 06, 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, Jeffrey DeAngelis, Denise L. Cicerelle, Municipal Clerk, Michael Finelli, Engineer, Tom Fisher, Esq., Jim Onembo, Zoning, Raymond Read, OEM.

Following the flag salute the Regular Meeting Minutes of September 8th, 2008 were accepted on motion by Michael Ferri and seconded by Michael Toretta, *with one correction, page 3, Ordinance 2008-7, Roll Call Vote "X" noted incorrectly for Jeffrey DeAngelis, should appear as Jeffrey DeAngelis, absent.* All in favor. Executive Session Meeting Minutes of September 8th, 2008 were accepted on motion by Michael Toretta, and seconded by Michael Ferri, all in favor.

Roll Call Vote: All Committee members were present and noted.

Youth Association – No one present.

New Jersey State Police – Trooper present with no problems/comments noted.

The following **Resolution 2008-59** was presented for First Reading/Adoption

RESOLUTION 2008-59

Appointment of Historical Commission Members

WHEREAS, the Franklin Township Committee has deemed it necessary to appoint the following members to the Historical Commission that shall be appointed by the Mayor of the Township of Franklin. The appointments for the remainder of the year for 2008 as follows:

MEMBER:

Joe Flynn
Bonnie Hamler
Brenda Higgins
John O'Brien
Judy Rosensteel

ALTERNATES:

Amy Perkins
Fred Kinney

The within **Resolution 2008-59** was moved by Jeffrey DeAngelis 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		

(5) Yes (0) Absent Motion carried

Dated: October 6, 2008

CERTIFICATION

Certification: I, Denise L. Cicerelle, Municipal Clerk of the Township of Franklin, County of Warren, do hereby certify that the foregoing is a true and exact copy of the resolution adopted by the Franklin Township Committee on Monday, October 6, 2008.

Denise L. Cicerelle, RMC/CMR
Municipal Clerk

The following **Resolution 2008-60** was presented for First Reading/Adoption

**RESOLUTION
2008-60**

BE IT RESOLVED, by the Township Committee of the Township of Franklin, County of Warren and State of New Jersey that the regular meetings of the Franklin Township Historical Commission for the remainder of the year 2008 shall be held the third Monday of each month at the Franklin Township Municipal Building, Broadway, N.J. at the hour of 7:00 p.m. unless otherwise noted.

The Franklin Township Historical Commission chose the following meeting dates for the year 2008.

TAKE NOTICE that pursuant to provisions of Section 231 of the "Open Public Meetings Act" Chapter 231, PL 1975 the following is a schedule of the Regular Meetings of the Franklin Township Historical Commission, of the Township of Franklin, County of Warren to be held for the year 2008. All meetings unless otherwise indicated shall be held at 7:00 p.m. at the Franklin Township Municipal Building, 2093 Rt. #57, Broadway, N.J. 08808.

October	20
November	17
December	15

Dated: October 6, 2008

Disposition
 1. Star-Gazette
 2. Clerks Office
 Municipal Building Broadway, N.J. 08808

The within **Resolution 2008-60** was moved by Mark Blaszkza and seconded by Jeffrey DeAngelis and upon roll call vote was passed.

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	(0) Absent Motion carried

Dated: October 6, 2008

CERTIFICATION

Certification: I, Denise L. Cicerelle, Municipal Clerk of the Township of Franklin, County of Warren, do hereby certify that the foregoing is a true and exact copy of the resolution adopted by the Franklin Township Committee on Monday, October 6, 2008.

Denise L. Cicerelle, RMC/CMR
 Municipal Clerk

The following **Resolution 2008-61** was presented for First Reading/Adoption

RESOLUTION NO. 2008-61

WHEREAS, a tax payment was made by the State of New Jersey Homestead Rebate Program for Lee and Michele Spano on Block 3 Lot 1.04, and

WHEREAS, Lee and Michele Spano's 3rd quarter property taxes had already been paid in full and there aren't any delinquent taxes owed on this property, and

WHEREAS, Lee and Michele Spano have requested a refund of their New Jersey Homestead Rebate,

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Committee authorize the Tax Collector to refund the sum of \$1588.60 to Lee and Michele Spano, 6 Montana Road, Washington, NJ 07882.

The within **Resolution 2008-61** was moved by Michael Ferri and seconded by Mark Blaszkza and upon roll call vote was passed.

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	(0) Absent Motion carried

Dated: October 6, 2008

CERTIFICATION

Certification: I, Denise L. Cicerelle, Municipal Clerk of the Township of Franklin, County of Warren, do hereby certify that the foregoing is a true and exact copy of the resolution adopted by the Franklin Township Committee on Monday, October 6, 2008.

Denise L. Cicerelle, RMC/CMR
 Municipal Clerk

The following **Resolution 2008-62** was presented for First Reading/Adoption

RESOLUTION #2008-62

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

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

WHEREAS, property owned by Robert and Joann Gardner (“Owners”), known as Block 48, Lot 16, (“Property”), was designated to be protected under this program in the township farmland preservation plan, and;

WHEREAS, a survey of the property was performed by Associated Consultants on May 1, 2008, and this survey calculated the net area of that part of the Property for which the development rights will be purchased to be 89.831 acres, and;

WHEREAS, two fair market appraisals were obtained by the township to establish the value of the development rights on the Property, which estimated this value to be \$5,000 and \$6,200 per acre respectively, and;

WHEREAS, the SADC certified the fair market value (CMV) of the development rights on the Property at \$5,500 per acre, or \$494,071 in total, and;

WHEREAS, the administrative costs for the project, consisting of two appraisals, a survey, and a title policy, resulted in a total cost of \$16,800, and;

WHEREAS, under the Planning Incentive Grant the SADC will provide approximately 66% of the CMV, which is equivalent to \$3,650 per acre, or a total of \$327,885 at closing, and;

WHEREAS, the County of Warren (“County”) will provide approximately 17% of the CMV, which is equivalent to \$925 per acre, or \$83,093, plus 25% of the administrative costs for the purchase, or \$2,325 at closing, and;

WHEREAS, the township negotiated a purchase price of the development rights on the Property and entered into a contract with the Owners to pay \$6,200 per acre or a total of \$556,952 for these rights, and;

WHEREAS, an additional \$145,975.38 is required to meet the negotiated purchase price, and;

WHEREAS, the township will initially pay the contractors who performed the administrative tasks associated with the project a total of \$16,800, and;

WHEREAS, funds for the purchase of the Property and for project administrative costs are an eligible costs to be paid out of the township open space trust fund, and;

WHEREAS, the township is eligible to apply to the SADC for 50% reimbursement of the administrative costs under SADC rules;

THEREFORE BE IT RESOLVED, that the Franklin Township Committee hereby authorizes the expenditure of \$145,975.38 from the township open space trust for the purchase of the development rights on the Property, and;

BE IT FURTHER RESOLVED, that the Franklin Township Committee authorizes the expenditure of \$16,800 from the township open space trust to meet the administrative costs associated with the purchase of the Property, and instructs the township clerk to work with The Land Conservancy of New of New Jersey to submit to the SADC for reimbursement of 50% of these costs, and;

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

On a motion by Jeffrey DeAngelis and seconded by Michael Toretta, the aforementioned **Resolution 2008-62** 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	Motion Carried

Dated: October 6, 2008

CERTIFICATION

I, Denise L. Cicerelle, Municipal Clerk of the Township of Franklin, County of Warren, do hereby certify that the foregoing is a true and exact copy of the resolution adopted by the Franklin Township Committee on Monday, October 6, 2008.

Denise L. Cicerelle, RMC/CMR
Municipal Clerk

The following **Resolution 2008-63** was presented for First Reading/Adoption

Committee members had several questions, in which, needed further explanation prior to considering the Resolution for adoption. Committee had clerk get CFO on speakerphone for further questions. Comments as to why several bonds becoming due at the same time? Interest rates? When will the bond be paid off? Can money come from different sources, we don't want to lose our flexibility.

RESOLUTION NO.2008-63

RESOLUTION AUTHORIZING COMBINED SALE AND ISSUANCE OF BOND ANTICIPATION NOTES, IN AN AGGREGATE AMOUNT NOT TO EXCEED \$2,000,550 GENERAL IMPROVEMENT BOND ANTICIPATION NOTES OF THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF WARREN, NEW JERSEY.

WHEREAS, the Township of Franklin (the "Township"), in the County of Warren, New Jersey has determined it is in the best interest of the Township to have a combined sale of the Township's Bond Anticipation Notes as set forth herein; and

WHEREAS, the Township has issued Bond Anticipation Notes pursuant to the following Ordinances on December 28, 2007, October 25, 2007 and February 28, 2008, which mature on October 24, 2008 (the "Prior Note"); and

WHEREAS, the Township has determined to issue Bond Anticipation Notes to refund, in part with other funds of the Township the Prior Note, said Bond Anticipation Notes to be issued in an amount not to exceed \$2,000,550, all pursuant to the following Ordinances:

<u>Ordinance and Date of Adoption</u>	<u>Total Debt Authorized</u>	<u>Improvement</u>
Ordinance No. 99-15 adopted July 26, 1999	\$570,000	Various General Improvements
Ordinance No. 02-07		

adopted March 11, 2002	\$304,950	Acquisition of Vehicles
Ordinance No.03-05 adopted March 10, 2003	\$171,000	Acquisition of Road Equipment
Ordinance No.04-14 adopted January 3, 2005	\$70,000	Halfway House/Good Springs Road
Ordinance No.04-03 adopted April 3, 2004	\$160,000	Millbrook Road
Ordinance No.05-12 adopted August 1, 2005	\$1,210,000	Acquisition of Open Space
Ordinance No.06-13 adopted November 11, 2006	\$665,000	Acquisition of real property
Ordinance No.07-14 adopted September 10, 2007	\$266,000	Road Improvements

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF WARREN, NEW JERSEY, AS FOLLOWS:

Section 1. Pursuant to N.J.S.A. 40A:2-8, the following amounts of General Obligation General Improvement Bond Anticipation Notes (the "Notes") shall be issued at such dates and in such amounts as is determined by the Chief Financial Officer and/or acting Chief Financial Officer in accordance with this resolution:

- a. Pursuant to Bond Ordinance No. 99-15, Notes in the principal amount of not to exceed \$97,000 for the purpose stated therein, and to redeem the Prior Note.
- b. Pursuant to Bond Ordinance No. 02-07, Notes in the principal amount of not to exceed \$53,150 for the purpose stated therein, and to redeem the Prior Note.
- c. Pursuant to Bond Ordinance No. 03-05, Notes in the principal amount of not to exceed \$31,000 for the purpose stated therein, and to redeem the Prior Note.
- d. Pursuant to Bond Ordinance No. 04-14, Notes in the principal amount of not to exceed \$49,000 for the purpose stated therein, and to redeem the Prior Note.
- e. Pursuant to Bond Ordinance No. 04-03, Notes in the principal amount of not to exceed \$112,000 for the purpose stated therein, and to redeem the Prior Note.
- f. Pursuant to Bond Ordinance No.05-12, Notes in the principal amount of not to exceed \$887,000 for the purpose stated therein, and to redeem the Prior Note.
- g. Pursuant to Bond Ordinance No.06-13, Notes in the principal amount of not to exceed \$532,000 for the purpose stated therein, and to redeem the Prior Note.
- h. Pursuant to Bond Ordinance No.07-14, Notes in the principal amount of not to exceed \$239,400 for the purpose stated therein, and to redeem the Prior Note.

Section 2. Pursuant to the provisions of Section 40A:2-26 of the Local Bond Law of New Jersey, particularly paragraph (f) thereof, and in lieu of the sale of more than one (1) issue of bonds or notes as provided for in said Local Bond Law, the issues of bonds and notes of the Township authorized pursuant to the Bond Ordinances of the Township hereinabove set forth shall be combined into one (1) issue of Notes to be sold in the aggregate amount of not to exceed \$2,000,550.

Section 3. The following matters in connection with said Notes are hereby determined:

(a) All notes issued hereunder and any renewal thereof, shall mature at such times as may be determined by the Chief Financial Officer and/or acting Chief Financial Officer of the Township, provided that any note issued pursuant hereto shall be issued for a period not to exceed one (1) year, but all such notes, including renewals, shall mature and be paid in accordance with the Local Bond Law.

(b) All notes issued hereunder shall bear interest at such rate or rates as may be determined by the Chief Financial Officer and/or acting Chief Financial Officer of the Township.

(c) The notes shall be in a form as permitted by law and approved by Bond Counsel, and issued pursuant to the Local Bond Law, and any such notes or any renewal thereof, may be signed or sealed by officers of the Township in any manner permitted by Section 40A:2-25 of said Law notwithstanding what is otherwise set forth herein.

Section 4. The Chief Financial Officer and/or acting Chief Financial Officer of the Township is hereby authorized and directed to determine all matters in connection with said Notes or any renewal thereof, not determined by this or a subsequent resolution and his/her signature upon said Notes shall be conclusive as to such determinations.

Section 5. The Chief Financial Officer an/or acting Chief Financial Officer of the Township is hereby authorized to sell said Notes or any renewal thereof, from time to time at public or private sale in such amounts as he/she may determine at not less than par value and to deliver the same from time to time to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from the dated date of the Notes to the date of delivery thereof and payment therefor.

Section 6. Any instrument issued pursuant to this resolution shall be a general obligation of the Township, and the Township's faith and credit are hereby pledged to the punctual payment of the principal of and interest on said obligation and, unless otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.

Section 7. The governing body of the Township hereby covenants on behalf of the Township to take any action necessary or refrain from taking any action in order to preserve the tax exempt status of the debt obligations authorized hereunder as is required under the Internal Revenue Code of 1986, as amended, including compliance with said Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 8. This resolution shall take effect immediately.

On a motion by Mark Blaszk and seconded by Michael Ferri, the aforementioned **Resolution 2008-63** 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	Motion Carried

Dated: October 6, 2008

CERTIFICATION

I, Denise L. Cicerelle, Municipal Clerk of the Township of Franklin, County of Warren, do hereby certify that the foregoing is a true and exact copy of the resolution adopted by the Franklin Township Committee on Monday, October 6, 2008.

Denise L. Cicerelle, RMC/CMR
Municipal Clerk

The following **Resolution 2008-64** was presented for First Reading/Adoption

RESOLUTION 2008-64
HEALTH BENEFITS INCREASE
EMPLOYEE/TOWNSHIP CONTRIBUTION

WHEREAS, the Health Insurance Policy increased significantly, effective July 1st, 2008, the Township Committee has agreed to increase its contributions;

WHEREAS, In the past, the Township of Franklin contributes 50% of any/all health insurance increases and the employee contributes 50% of any/all health insurance increases for Health Insurance cost,

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Franklin, County of Warren, State of New Jersey, hereby agrees to increase their contribution of the cost effective, September 1st, 2008, to 70% and the employee to contribute 30% of any/all Health Insurance cost,

On Motion by Jeffrey DeAngelis and seconded by Michael Ferri the aforementioned **Resolution 2008-64** be adopted as read.

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

I, **Denise L. Cicerelle**, certify this to be a true copy of a Resolution passed by the Franklin Township Committee at a regularly scheduled meeting held on **Monday, October 6, 2008**.

Denise L. Cicerelle, RMC/CMR
Municipal Clerk

Dated: October 6, 2008

The following **Ordinance 2008-8** was presented for First Reading/Introduction

Committeeman DeAngelis questioned just who this ordinance will target, farmers, homeowners, adjacent roadside property, giving our DPW extra work. Mr. Onembo explained that this ordinance was created due to several complaints received as to homes/property being abandoned and neighbors being stuck looking at the mess until the property is re-sold and place a lien on said property.

ORDINANCE NO 2008-8

**ORDINANCE REGULATING THE GROWTH OF BRUSH, NOXIOUS WEEDS
AND GRASS UPON THE LANDS LYING WITHIN THE TOWNSHIP OF
FRANKLIN IN THE COUNTY OF WARREN,
STATE OF NEW JERSEY**

Prohibited growth

In order to preserve the public health, safety and general welfare, it shall be unlawful for any owner(s), occupant(s) of any lands lying within the Township of Franklin to allow, permit or maintain any brush, noxious weeds, or grass in excess of eight (8) inches or more upon said occupied or unoccupied lot or land or on or along the sidewalk, street, or alley adjacent to same.

Exclusions

Nothing in this ordinance shall apply to weeds in fields devoted to growing any small grain crops.

Violations and penalties

Any owner(s) or occupant(s) of any premises who shall neglect to maintain the brush, noxious weeds, or grass upon their land to a height of eight (8) inches or below in the Township of Franklin within 10 days after being notified to remove the same by or through the Township of Franklin, shall be subject to penalties for the violation of this ordinance in the amount of two hundred dollars (\$200.00) per offense and twenty-five dollars(\$25.00) per day for every day thereafter that the property remains to be unkempt in violation of this ordinance.

Removal by Township

Upon the failure of any owner(s) or occupant(s) of any premises to maintain or remove any brush, noxious weeds or grass within 10 days of after notice to remove same, the Township of Franklin shall cause same to be removed, and the cost thereof shall be certified to the governing body, which shall examine the certificate and, if found correct, shall cause the cost as shown thereon to be charged against said lands. The amount so charged shall forthwith become a lien upon such lands and shall be added to and become and form part of the taxes next to be assessed and levied upon such lands, the same to bear interest at the same rate as taxes and shall be collected and enforced by the same officer or officers and in the same manner as taxes.

Right of collection by Township

The imposition and collection of the fine imposed by this chapter shall not bar the right of the Township of Franklin to collect the cost of removal in the manner as required in this chapter, and the remedy shall be cumulative.

On motion by Michael Ferri and seconded by Michael Toretta the aforementioned **Ordinance 2008-8** be introduced as read. Final Reading and Adoption to take place at the Public Hearing to take place on Monday, November 3rd, 2008 at 7:00 pm.

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 Motion Carried

Dated: October 6th, 2008

CERTIFICATION

I, Denise L. Cicerelle, Registered Municipal Clerk of the Township of Franklin, County of Warren, State of New Jersey, do hereby certify that this a true and correct copy of an Ordinance introduced by the Township Committee of the Township of Franklin at their regular meeting held on October 6, 2008. Second reading, public hearing will be held on November 3, 2008 at or near 7:00 PM in the Franklin Township Municipal Building, 2093 Rt. 57, Broadway, NJ 08808.

Denise L. Cicerelle, RMC/CMR

Discussion -

Received an inquiry from the Girl Scouts for use of our building for meetings as well as to a level project such as the one created at the Asbury Soccer Fields. Mayor Butler will contact Cathy Tietz for further discussion.

Committeeman Blaszk had a conversation with Captain Tabert as to the future needs for the rescue squad, starting to grow out of their present building. Need to secure the property line between the rescue squad building and the Broadway soccer field. A question was raised as to this field being placed on the ROSI Map. If no monies were accepted from Green Acres we might be able to allow a change to be made to the ROSI but otherwise once on a ROSI very hard to be removed from it. Engineer Finelli stated that a ROSI is like the bible for Green Acres. Committeeman Toretta commented as to receiving \$300,000 from Green Acres not sure if it would worth it to have to listen to what they will allow us and when to do with our property, they will just take over the town. Committeeman DeAngelis questioned if anyone could come out and educate us? Mayor Butler noted that deed restrictions are listed on their website.

Committeeman Blaszk advised that we could use a Site Manager to coordinate the Community Room facility. Seasonal employee, set hours, open/lock up building, maintenance at \$15.45 an hour. This raised concern as to a Part Time Seasonal DPW employee only receives \$11.92 an hour why would a maintenance person for the community room be paid \$15.45? After a short discussion committee decided to advertise this position at \$11.92 and hour and have the Salary Ordinance amended to reflect a maintenance person at \$11.92 as well. The fees collected for the use of the Community Room would in turn pay for this Site Manager as well as it has paid for the heating for the Community Room.

On motion by Mark Blaszk and seconded by Michael Ferri to run the Site Manager Ad as per specifications above.

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	Motion Carried

Mayor Butler questioned as to what the thermostat is set on in the winter in the room. 60 off hours and 68 for games. Mayor Butler concerned as to the increase in gas cost. Committeeman Blaszk advised that the heat bills were paid for last year by the fees collected. Mayor Butler also commented as to having a log so we would be aware who is using the Community Room and who has been in and out of the building, this would be helpful. Committeeman DeAngelis advised that he is waiting on one more quote for the key access system and this would help control that very purpose. Committeeman Blaszk advised that anyone using the facility fills out a Facility Use Agreement and notes which facility that will be used, Community Room, Broadway Field or the Asbury Field.

Lastly, Committeeman Blaszk advised that the Rescue Squad will be holding a fund raiser on October 11th behind their station and will need to park cars and dance floor in

the back, unknown where the actual property line is the event will most likely take part on part of the Township Property. This event is a BYOB and our Facility Use Agreement prohibits alcohol and smoking. Committee would like for the squad to do their best to keep the alcohol on their property, maybe in their building as well as smoking. A certificate of insurance has been received from the squad's insurance carrier as to this event.

On motion by Bonnie Butler and seconded by Michael Ferri to strike Line item #6 of agreement for this event only.

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) Abstained	Motion Carried

Proposals have been received for 2009 Township Attorney position. Committee will review all proposals received and interviews will be set up for October 29th at 7pm.

REPORTS, UPDATES/DISCUSSION:

Engineer's Report – Mr. Finelli touch based on a few projects; Third Street Drainage problem; positive progress has been made after being prompted by a lot of complaints, up street drainage with the Highlands, issue working with the state officials and the Warren County Planning Department and Morris Canal Committee. Can start to proceed to construct a regional detention basin, will keep township posted as when this will begin. Wastewater Management Plan; county not taking over and left this to each individual municipality. The township has to submit the plan to the state by next July, 2009 or they will take away our sewer service authority. This deserves special attention per Finelli as this is an expensive proposition. Mayor Butler disappointed as the county putting this back in our laps. The Township's Major Subdivision of the old Smith Property was heard at the last Land Use Board Meeting. They received preliminary/final approval. November meeting, strongly suggest for the map to be recorded.

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 Duvencek attended a meeting on October 4, 2007 with various NJDEP representatives including John Moyle, Division of Dam Safety and Lou Cattuna, Land Use Regulation. Nevitt Duvencek will continue to coordinate with both John Moyle and Lou Cattuna. We were notified by Lou Cattuna that in order for the project to proceed forward, an application to SHPO must be made in order to receive a "Project Authorization."
- Our office submitted the required SHPO application (refer to separate correspondence dated December 13, 2007). SHPO has requested that we answer questions/concerns submitted by the Warren County Morris Canal Commission.

- Our office 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.
- Our office has contacted Greg Sipple of the Warren County Morris Canal Committee and we are in the process of coordinating a field meeting to review the scope of work and discuss any concerns they may have regarding the project. At this juncture, we are cautiously optimistic that the project can move forward into the design phase.

2. TOWNSHIP WASTEWATER MANAGEMENT PLAN

- Mayor Butler recently received a letter, dated February 15, 2008, from Dave Dech, Warren County Planning Director, regarding the proposed new Water Quality Management Planning rules which will soon be adopted by the NJDEP. One of the major changes in the pending rules would be that the County would be designated as the Wastewater Planning Agency vs. the current regulation, which allows for each individual municipality to be their own Wastewater Planning Agency. 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.
- 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 year from the date of the adoption of the rules which would be July 7, 2009. If a WMP is not submitted, the Township would be subject to the withdrawal of any wastewater service area designations. This matter will need to be discussed further and monies budgeted in 2009 for this work.

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

(No change from last month's report)

- 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. Our office has recently completed both a Preliminary Plat and Final Major Subdivision Plat representing the subdivision of this property into three separate tax lots. The subdivision is slated to be heard at the October 1, 2008 Land Use Board 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. Our office has recently noticed that the sign has been relocated outside of the line of sight exiting the parking lot looking to the west.

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 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 (ref. report item #7) was perfected before the application is submitted to reduce the total acreage of the property which will reduce the required application fees.

10. MOUNTAIN VIEW ROAD PAVING (No change from last month’s report)

- 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.

- Our office recently received a return call from the NJDOT regarding relocation of the service pole. According to the NJDOT, the Township would have to fund the cost to move the pole which has been estimated at \$16,000.00.
- Our office is currently attempting to get a copy of the agreement that the municipality has with the NJDOT regarding this signal to see if any language exists that would force the NJDOT to fund the pole relocation. We will continue to keep the Committee apprised on this matter subsequent to our review of the original signal agreement with the NJDOT.

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

Attorney Fisher informed committee that the Speedex case went from Superior Court to Municipal Court then to a Resolution. Mr. Bartek was found guilty, needs to clean up the property within 45 days or the fine of \$4000 will be imposed. Old Smith Property, major subdivision, Attorney Zaiter represented the township at the Land Use Board Meeting.

The foreclosed property, Block 11 Lot 29/30 and Block 45 Lot 63; can be auctioned in November, we have enough time to advertise. Mr. Onembo suggested since land is uncertain that it can be built on, should be auctioned of as “Buyer Beware”. Joe Banghart questioned agreement of access to property. Mayor Butler suggested we come up with a reserve, right to reject any/all bids, advertise no access with a \$35,000 minimum for Block 45 Lot 63 and a Forest Management Plan. No minimum on Block 11 Lots 29/30 20% down at time of auction the rest of the payment due within 30 days of the sale.

On motion by Michael Ferri and 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) Abstained	Motion Carried

Committee Reports –

Michael Ferri – Raised concern of the use of poultry manure on our field across from the school. Committee DeAngelis questioned what the difference would be of the manure use on the other side of the fence by the school. Insulation quote for DPW garage would be \$17,000, with this expense have to think of another route as well as clean up of old insulation. Mayor Butler spoke with Foreman Read and advised that residents are getting carried away with the brush road side clean up, cutting down trees to be picked up instead of limbs, we need to regulate what can and can’t be accepted. October 18th will be the truck sale, has to be on site by Friday. The concrete work at the garage to repair the doors came out of capital improvements. Contact Mr. Breslin to coordinate with Washington Door; #3400 pillars, \$1200 cap walls.

On motion by Michael Toretta and 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	(5) Yes (0) Abstained	Motion Carried

Michael Toretta – nothing further to present

Jeffrey DeAngelis – Currently looking at General Liability insurance for 2009. Health Insurance costs for full time employees sky rocketed, currently paying \$58,000 a year. Vision care currently provides \$100 for lenses for every 2 years, might be cheaper to strike out of insurance policy coverage and pay out of pocket for lenses?

Mark Blaszkza – nothing further to present

Bonnie Butler – Mayor commented as to the \$8200 received for scrap metal, this money first needs to go into a municipal revenue and can only be taken out in November when the budget transferred are approved. Ongoing problem with Fire Company budget, Asbury Fire has one amount and the Franklin Fire Company has another amount for spending. Mayor spoke with Karl Barger of the Asbury Fire Company due to an invoice received for gear already ordered with grant money received and the regulation of the gear was changed and the equipment had to be more significant to be up to code, cost increase of \$6370. Asbury has already spent \$15,000 of their Bethlehem Township Allotment on safety gear. Mayor advised that we are obligated to pay this bill. Franklin Fire Company requested from the township \$9848 to gear up 4 firemen in fire school presently and 2 more in January. Chief Sonny Read commented that 73 calls to date in Asbury where only 5 were in Bethlehem Township and Franklin Fire Company responds with Asbury Fire to all their dispatched calls. Committeeman Ferri stated that we are responsible for the well being of our firemen. Mayor has already sat down with our CFO and found applicable line items where money can come out of. Committeeman Toretta commented that we should have 1 fire company, 1 building, 1 set of trucks. A fire district could also help with the cost of regulated gear and insurance prices, assessing households for calls. Committeeman DeAngelis noted we need to take care of people who take care of us. Mayor stated that we are still looking for a person to be the liaison for the Musconetcong River Council. With the state of economy the way that it is, Mayor raised the question as to the expense of the Thank you dinner, possibly gift baskets or gift certificates for the volunteers on the boards might be a savings to the township but still a nice gesture of appreciation. Ideas will be explored.

Three proposals were received for the Leavens property, the township needs to chose 2 of the proposals; noting that Mr. Leavens will be paying for one of the two proposals. Proposals received as follows:

- Heffernan \$2950 within 30 days for finalized reports to be completed
- Land Mark \$3650 with in 30-40 days for finalized reports to be completed
- Norman Goldberg \$5750 with in 45 days for finalized reports to be completed.

On motion by Jeffrey DeAngelis and seconded by Michael Ferri to approve proposals from Heffernan and Land Mark.

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 (0) Abstained	Motion Carried

Mayor has a quote of approximately \$473 to mail out postcards addressing State Police coverage being charged to each municipality. The website addressing a letter to the proper authorities has been placed in the Franklin Fireball, urging people to send letters opposing this. Committeeman DeAngelis advised that the meeting he attended at the NJLOM had no mention of layoffs or barrack closings due to this issue. Committeeman Toretta would like to give the \$473 to mail out post cards to the fire companies.

On motion by Mark Blaszk and seconded by Jeffrey DeAngelis to approve post cards to be mailed to all township residents addressing this issue.

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) No	Motion Carried

Mayor advised State Trooper present that she has noticed on Mountain View Road since the paving, at least a 20% increase in traffic and speed. We need additional signs posted reminding those that travel this road of the speed limit. Engineer to handle this.

Zoning Officer – Nothing pressing. Construction permits decreasing. Allowed flags in front of Dunkin Donuts, due to new business/being flexible.

Recycling Coordinator – Not present, but Mayor advised that he is working on the update to the Recycle Ordinance.

OEM – Mr. Read was given the rescue squad report, due to a squad call. 250 calls to date, total of 1042 man hours. Fire Company 98 calls to date. Committeeman DeAngelis inquired of a lot of people calling for an ambulance just for a ride to the Emergency room or will get faster service. Mr. Read informed that the squad can start charging insurance companies per patient, per trip to Emergency room, but it has to be all calls, cannot stipulate.

Open Space/Beth Barry – Mrs. Barry informed committee that they should have received their September update. Also the Broadway field is in the ROSI at 6.8 acres if the rescue squad is looking to expand.

Open Public Session –

Joe Banghart – inquired as to the Tax Sale Certificate of two properties discussed earlier, what happens if the property doesn't sell? Town will keep property and residents still pay for taxes.

Jeff Day – wanted to clarify the set price for one on the foreclosed properties and the stipulations, Mayor Butler informed that all information will be included in the advertisement.

Jim Onembo – Atty. Fischer, please ask Atty. Zaiter a paper procedure with the new Ordinance 2008-8 so he may follow them.

EXECUTIVE SESSION

BE IT RESOLVED, on this 6th day of October, 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

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 October, 2008 by the Franklin Township Committee, that the matter stated will be discussed in executive session, said session to commence at 9:30 p.m.

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

On motion by Michael Toretta and seconded by Michael Ferri to return to the regular session 9:52 p.m. Unanimous Vote

Post Cards informing residents to write letter opposing State Police Charging for coverage should be mailed out after the November Elections.

Mayor Butler informed that our CFO needs to send an accounting to the FTYA of what is being paid out of their budget and what is left of the balance so they can see what is left. Their budget is now over expended. Heat as well as porta johns come out of their budget per Committeeman DeAngelis.

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 (0) Absent	Motion Carried

On motion by Mark Blaszk and seconded by Michael Toretta, hearing no objection, meeting stands adjourned at 9:57 pm. Unanimous Vote.

Respectfully submitted,

Denise L. Cicerelle, RMC/CMR
Municipal Clerk