

REGULAR MEETING

The Franklin Township Committee held their regular monthly meeting at 7:00 pm on Monday, November 2, 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, Michael Ferri, Jeffrey DeAngelis, Michael Toretta, Denise L. Cicerelle, Municipal Clerk, Mike Finelli, Engineer, Brian Tipton, Esq., Jim Onembo, Zoning Officer, Roger Bulava, Recycling.

Absent were: Committeeman Mark Blaszk

Following the flag salute the Regular Meeting Minutes of October 5, 2009 were accepted on motion by Jeffrey DeAngelis and seconded by Michael Ferri, all in favor. Executive Session Meeting Minutes of October 5, 2009 were accepted on motion by Michael Ferri, and seconded by Michael Toretta, all in favor.

Roll Call Vote of Committee Members as follows:

Roll Call Vote	Present	Not Present
Mark Blaszk		X
Jeffrey DeAngelis	X	
Michael Ferri	X	
Michael Toretta	X	
Mayor Bonnie Butler	X	(4) Present (1) Absent

The following Resolution #2009-73 was presented for First Reading/Adoption

Chuck McGroarty of Banish Associates, Franklin Township Planner was present at this meeting to give a synopsis of this Resolution and purpose. This is an obligation under the Highlands Act to conform to the Preservation Area. To be in compliance, the township must submit this to the Highlands by December 8th. Engineer Finelli is working in conjunction with Mr. McGroarty's office to make this happen. Questions from the committee included; If the resolution could be modified, Hard stop dates to submit modules if resolution is adopted, Would this Resolution drive down the affordable housing numbers, What percentage of obligation to another municipality? At this time we do not need to make any changes to our Master Plan or Ordinance just adoption of said Resolution. If we do not pass this resolution we would be setting up the township in a position for a Builders Remedy Lawsuit as well as our Wastewater Management Plan not being approved.

RESOLUTION 2009-73

**TOWNSHIP OF FRANKLIN, WARREN COUNTY, NEW JERSEY
SUBMISSION OF PETITION FOR PLAN CONFORMANCE
TO THE HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
FOR LAND IN THE PRESERVATION AREA**

WHEREAS, the Highlands Water Protection and Planning Act (Highlands Act), N.J.S.A. 13:20-1 *et seq.*, finds and declares that protection of the New Jersey Highlands is an issue of State level importance because of its vital link to the future of the State's drinking water supplies and other significant natural resources; and

WHEREAS, the Highlands Act creates a coordinated land use planning system requiring the Highlands Water Protection and Planning Council (Highlands Council) to prepare and adopt a Regional Master Plan for the Highlands Region; and

WHEREAS, the Highlands Act requires that within nine to 15 months after the effective date of the Regional Master Plan, September 8, 2008, each municipality located wholly or partially in the Preservation Area shall submit revisions to the municipal master plan, development regulations and other regulations, as applicable to the development and use of land in the Preservation Area, as may be necessary to conform them with the goals, requirements and provisions of the Regional Master Plan (Plan Conformance); and

WHEREAS, the Township of Franklin, is located in the Highlands Region with lands lying within the Preservation Area, as defined by the Highlands Act; and

WHEREAS, the Highlands Council prepared and distributed to the Highlands municipalities Plan Conformance Guidelines outlining the process and procedures for petitioning the Highlands Council for Plan Conformance; and

WHEREAS, the Highlands Council’s Plan Conformance Guidelines also require that a Petition for Plan Conformance be filed with the Highlands Council no later than December 8, 2009, which includes a comprehensive package of planning and implementation documents that meet the requirements of the Highlands Act, the Regional Master Plan and the Highlands Plan Conformance Guidelines.

NOW, THEREFORE BE IT RESOLVED, that the Township of Franklin, hereby submits this Petition for Plan Conformance to the Highlands Council for that portion of our jurisdiction lying within the Preservation Area in accordance with the Highlands Act, the Regional Master Plan, and the Highlands Plan Conformance Guidelines.

Upon motion of Jeffrey DeAngelis, viewing this as buying time, for Preservation Only! Not Planning Area! Mr. McGroarty confirmed this, seconded by Michael Ferri, the foregoing resolution was adopted by the following vote:

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

The following Resolution #2009-71 was presented for First Reading/Adoption

Resolution No.2009-71

RESOLUTION AUTHORIZING COMBINED SALE AND ISSUANCE OF BOND ANTICIPATION NOTES, IN AN AGGREGATE AMOUNT NOT TO EXCEED \$1,025,686 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 October 24, 2008, which mature on October 23, 2009 (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 \$1,025,686, 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.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 \$62,000 for the purpose stated therein, and to redeem the Prior Note.
- b. Pursuant to Bond Ordinance No. 04-14, Notes in the principal amount of not to exceed \$42,000 for the purpose stated therein, and to redeem the Prior Note.
- c. Pursuant to Bond Ordinance No. 04-03, Notes in the principal amount of not to exceed \$96,000 for the purpose stated therein, and to redeem the Prior Note.
- d. Pursuant to Bond Ordinance No.05-12, Notes in the principal amount of not to exceed \$147,386 for the purpose stated therein, and to redeem the Prior Note.

- e. Pursuant to Bond Ordinance No.06-13, Notes in the principal amount of not to exceed \$465,500 for the purpose stated therein, and to redeem the Prior Note.
- f. Pursuant to Bond Ordinance No.07-14, Notes in the principal amount of not to exceed \$212,800 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 \$1,025,686.

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 Townships 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.

Upon motion by Jeffrey DeAngelis, seconded by Michael Ferri, the foregoing resolution was adopted by the following vote:

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

The following Resolution #2009-72 was presented for First Reading/Adoption

RESOLUTION NO. 2009-72

WHEREAS, a tax payment was made by the State of New Jersey Homestead Rebate Program for Ruth and Gerald Kraser on Block 7 Lot 3, and

WHEREAS, Ruth and Gerald Kraser 4th quarter property taxes had already been paid in full and there aren't any delinquent taxes owed on this property, and

WHEREAS, Ruth and Gerald Kraser 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 \$1000.00 to Ruth and Gerald Kraser, 5 Thatcher Ave., Stewartsville, NJ 08886.

Upon motion of Jeffrey DeAngelis, seconded by Michael Toretta, the foregoing resolution was adopted by the following vote:

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

The following Resolution #2009-73 was presented for First Reading/Adoption

RESOLUTION 2009-73

**TOWNSHIP OF FRANKLIN, WARREN COUNTY, NEW JERSEY
SUBMISSION OF PETITION FOR PLAN CONFORMANCE
TO THE HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
FOR LAND IN THE PRESERVATION AREA**

WHEREAS, the Highlands Water Protection and Planning Act (Highlands Act), N.J.S.A. 13:20-1 et seq., finds and declares that protection of the New Jersey Highlands is an issue of State level importance because of its vital link to the future of the State’s drinking water supplies and other significant natural resources; and

WHEREAS, the Highlands Act creates a coordinated land use planning system requiring the Highlands Water Protection and Planning Council (Highlands Council) to prepare and adopt a Regional Master Plan for the Highlands Region; and

WHEREAS, the Highlands Act requires that within nine to 15 months after the effective date of the Regional Master Plan, September 8, 2008, each municipality located wholly or partially in the Preservation Area shall submit revisions to the municipal master plan, development regulations and other regulations, as applicable to the development and use of land in the Preservation Area, as may be necessary to conform them with the goals, requirements and provisions of the Regional Master Plan (Plan Conformance); and

WHEREAS, the Township of Franklin, is located in the Highlands Region with lands lying within the Preservation Area, as defined by the Highlands Act; and

WHEREAS, the Highlands Council prepared and distributed to the Highlands municipalities Plan Conformance Guidelines outlining the process and procedures for petitioning the Highlands Council for Plan Conformance; and

WHEREAS, the Highlands Council’s Plan Conformance Guidelines also require that a Petition for Plan Conformance be filed with the Highlands Council no later than December 8, 2009, which includes a comprehensive package of planning and implementation documents that meet the requirements of the Highlands Act, the Regional Master Plan and the Highlands Plan Conformance Guidelines.

NOW, THEREFORE BE IT RESOLVED, that the Township of Franklin, hereby submits this Petition for Plan Conformance to the Highlands Council for that portion of our jurisdiction lying within the Preservation Area in accordance with the Highlands Act, the Regional Master Plan, and the Highlands Plan Conformance Guidelines.

Upon motion of Jeffrey DeAngelis, seconded by Michael Ferri, the foregoing resolution was adopted by the following vote:

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

The following Resolution #2009-74 was presented for First Reading/Adoption

RESOLUTION NO. 2009-74

WHEREAS, US Bank-Coll Agt/SASS MUNI IV holds Tax Sale Certificate #07-03, and has also paid subsequent property taxes for Block 34 Lot 20 and,

WHEREAS, the property owner has paid off this lien and subsequent taxes,

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Committee authorize the Tax Collector to refund the sum of \$ 24,098.36 to US Bank-Coll Agt/SASS MUNI IV, 50 South 16th Street, Philadelphia, PA 19102.

Upon motion by Michael Ferri, seconded by Jeffrey DeAngelis, the foregoing resolution was adopted by the following vote:

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

The following Resolution #2009-75 was presented for First Reading/Adoption

**TOWNSHIP OF FRANKLIN
WARREN COUNTY, STATE OF NEW JERSEY**

**RESOLUTION – 2009-75
BUDGET TRANSFER**

WHEREAS, N.J.S.A. 40A:4-58 and 59 authorizes transfers from certain budget appropriations where it is expected that it will be insufficient, and

WHEREAS, it is reasonable expected that certain appropriations will not be sufficient for contemplated expenditures;

NOW, THEREFORE, BE IT RESOLVED that the Chief Financial Officer of Franklin Township, County of Warren, State of New Jersey, is hereby instructed to adjust the financial records in accordance with the provision of this Resolution:

CURRENT FUND

<u>Account:</u>	<u>From:</u>	<u>To:</u>
Engineering OE		\$45,030.05
Legal OE	\$20,000.00	
Historical Sites OE	\$500.00	
Audit	\$224.00	
Construction OE	\$1,000.00	
OEM Management OE	\$319.05	
Animal Control OE	\$2,487.00	
Welfare OE	\$500.00	
Gasoline OE	\$10,000.00	
Road Maintenance SW	\$10,000.00	
Employee Group Insurance		\$5,961.30
Other Insurance Premiums	\$4,070.30	
Police SW	\$1,000.00	
Human Resources Personnel OE	\$891.00	
<hr/>		
TOTALS	\$50,991.35	\$50,991.35

On motion by Michael Ferri and seconded by Jeffrey DeAngelis the aforementioned **Resolution 2009-75** be adopted as read.

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

Motion Carried

The following **Proclamation** was presented for First Reading/Adoption

American Education Week Proclamation

Whereas, public schools are the backbone of our democracy, providing young people with the tools they need to maintain our nation's precious values of freedom, civility and equality; and

Whereas, by equipping young Americans' with both practical skills and broader intellectual abilities, schools give them hope for, and access to a productive future; and;

Whereas, education employees, be they substitute educators, custodians, teachers, bus drivers, or librarians, work tirelessly to serve our children and communities with care and professionalism; and

Whereas, schools are community linchpins, bringing together adults and children, educators and volunteers, business leaders, and elected officials in a common enterprise.

Now, Therefore, I, Bonnie Butler, serving as Mayor of Franklin Township, Warren County, New Jersey, do hereby proclaim November 15 - 21 as the 88th annual observance of American Education Week.

The aforementioned **Proclamation** be adopted by unanimous vote.

The following **Proclamation** was presented for First Reading/Adoption

**PROCLAMATION OF CONGRATULATIONS
To Matthew John Davidson
FOR RECEIVING THE EAGLE SCOUT AWARD**

WHEREAS, the conferring of an Eagle Scout is one of the highest awards that can be bestowed upon a Boy Scout; and

WHEREAS, the recipient must perform and successfully complete and pass the rigid requirements exacted to achieve an Eagle Scout Award; and

WHEREAS, less than two percent of all Scouts actually achieve this goal; and

WHEREAS, he is a senior at Warren Hills Regional High School Class of 2010 and is continuing his education at Warren County Community College for Criminal Justice; and

WHEREAS, a member of Troop 63 of the Boy Scouts of America has recently completed the requirements for Eagle Scout; and

WHEREAS, for his Eagle project, he built shelving units that benefited the ARC of Warren County; and

WHEREAS, he has shown leadership in the troop as Junior Assistant Scoutmaster, Senior Patrol Leader, Assistant Senior Patrol Leader, Scribe, Librarian, and Patrol Leader; and

WHEREAS, he has completed 25 merit badges; and

WHEREAS, at a Court of Honor to be held at the Old Greenwich Presbyterian Church, Stewartsville, NJ on Saturday, November 28,2009, the Eagle Award will be conferred; and

WHEREAS, the Franklin Township Committee wishes to recognize this noteworthy achievement.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Township Committee of Franklin Township, Warren County, New Jersey hereby extend their congratulations to Eagle Scout Matthew John Davidson for having conferred upon him the rank of Eagle Scout by the Boy Scouts of America.

BE IT FURTHER RESOLVED, that this proclamation be spread upon the minutes of this meeting and the Township Clerk is hereby directed to transmit a suitable copy thereof to Matthew John Davidson.

The aforementioned **Proclamation** be adopted by unanimous vote.

PUBLIC HEARING AND CONSIDERATION OF:

The following **Ordinance 2009-12** was presented for Final Reading/Adoption

**TOWNSHIP OF FRANKLIN
ORDINANCE NO. 2009-12**

**AN ORDINANCE REPEALING ORDINANCE NO. 81-9 – RESIDENCY
REQUIREMENTS**

MOTION: To open Public Hearing by Jeffrey DeAngelis, seconded by Mike Ferri.

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

(4) Yes (1) Absent (0) Abstained
Motion Carried

PUBLIC COMMENTS: None

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		
		(4) Yes (1) Absent	(0) Abstained
		Motion Carried	

On motion by Committeeman Michael Ferri and seconded by Committeeman Michael Toretta 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		
	(4) Yes	(1) Absent	Motion carried

REPORTS:

Engineer’s Report –

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 necessary to develop the proposed detention basin. In the past, we have had only marginal success in discussing the project with the Chiu's.
- The Township recently executed an extension to the original grant agreement for an additional period of three (3) years to expire on August 31, 2012.
- It is our understanding that Mayor Butler was going to attempt to coordinate and schedule a meeting with Mr. Chiu to discuss the project.

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, 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.
- Our office received a copy of an Agreement from the NJDEP on October 28, 2009 which must be executed by the Township in conjunction with the \$10,000 grant referenced above. I will be bringing the grant agreement to the Township Committee meeting on November 2, 2009 in order to secure the necessary municipal signatures and to properly execute the grant agreement in order to secure the \$10,000 grant from the NJDEP.

- Our office will keep the Committee updated as we proceed forward in developing the “interim” WMP. Prior to any submission of an “interim” WMP to the NJDEP, the Township Committee will need to approve same.

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.
- Some additional pavement related work (asphalt berms and end treatments) has been completed by the contractor which constituted the final punchlist items in order to bring this project to completion. 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.
- The project has now been completed and the asphalt cores have been taken for testing of air voids and composition as required by the NJDOT. As of the date of this report, the results of the pavement testing have not been completed.
- Our office has prepared the Final Voucher and Change Order for the project. Refer to separate correspondence from our office, dated October 28, 2009.

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.
- 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. Additionally, our office attended a mandatory “Kick-Off” Meeting with the NJDOT on September 15, 2009. The Township should be advised that there is additional administrative work required through this funding program than the typical NJDOT Trust Fund project (i.e., Report Item #s 3 and 5).

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.
- 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 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.
- The project has been completed except for some punchlist items that still need to be performed by the contractor. Additionally, the pavement cores have been taken and are presently being tested, although no results have been received as of the date of this report. Our office was informed on October 29, 2009 that the contractor is scheduled to be on site to perform the punchlist work on Monday, November 2, 2009. Once all the work is completed to the satisfaction of both the Township and our office, we will proceed with the development of a payment voucher to the contractor for this project.

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 from Green Acres. One comment related to the installation of additional monuments at certain property corners. Our office has revised the survey and forwarded same to Green Acres on September 24, 2009 for their review.
- Our office has recently received notification that the amended survey and descriptions have now been approved by Green Acres.

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 have recently completed the process of the review and edits associated and required with Module 2 which was forwarded to the Highlands Council via correspondence from our office dated October 6, 2009.
- 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.
- It is our understanding that Chuck McGroarty, P.P., is moving forward with the balance of the Highlands Plan Conformance process and is scheduled to make a presentation to the Township Committee in the near future.

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. The Committee gave our office approval to begin development of the plans at the September 14, 2009 Committee meeting.
- Our office has completed all of the base mapping required for this project. We are presently developing the design plans and are nearing completion same.
- Additionally, as required, we have met on site with the employees from the State Historic Preservation Office (SHPO) and NJDOT. Our office is scheduled to meet with the Chair and Vice Chair of the Township Historic Commission on October 30, 2009 to solicit their input on the project. We are presently on schedule to submit a set of progress construction drawings, as required thru this grant, to the NJDOT by November 4, 2009.

10. 2010 MUNICIPAL TRUST FUND APPLICATIONS

- This year's applications were due prior to June 12, 2009 in electronic form via the SAGE system. We had previously coordinated with Committeeman Ferri and the DPW on the candidate for submission under this year's program. The Township Committee authorized our office to proceed with the development of this year's NJDOT grant applications at the May 4, 2009 meeting. Our office has completed this year's application which was submitted for Good Springs Road between Mountain View Road and Asbury-Broadway Road. The application was submitted to the NJDOT via the SAGE system, as required, in advance of the June 12, 2009 deadline.
- Our office has also forwarded the required municipal resolution, adopted by the Township Committee at the June 1, 2009 meeting, to the NJDOT which completes the submission of a complete application.
- Recently, our office received notification of the grant awards for 2010. Unfortunately, the Township was not successful in receiving a roadway grant award for 2010.

Attorney Report on file –

Attorney Tipton reported that he has been in contact with Rose Marie Piccone of the Warren County Housing Program, in reference to Gerald and Ruth Kraser Mortgage Subordination. The Rehabilitation Program, the homeowner must qualify for the program. Committeeman DeAngelis questioned if this subordination has any stipulation where the township will be placed in jeopardy if the refinancing fails? Per Attorney Tipton not stipulation if re-mortgage fails and does not make the township more vulnerable. The county is behind this refinance, should not be any adverse reaction back to the township.

Charitable Coin Drops Ordinance, needs to be adopted each year for each volunteer organization. Attorney just received tonight the dates for 2010 for Franklin Fire. Still need dates from Asbury Fire and Rescue Squad.

Attorney Tipton mailed out a letter to the Veterans Association on October 8th to address on tax record. Still hasn't received a reply back. Our DPW has secured this property.

Zoning/Jim Onembo – Mr. Onembo commented as to a property that was posted for weeds/debris back in October. Mr. Onembo checked with the Tax Collector as to an address which is not legitimate. Appears people have moved out of the country. Per Attorney Tipton the township has done everything legally and the township should now proceed with the clean up accordingly. Dunkin Donuts on Rt. 57, view obstruction with the flags in the front of the building, appears to be removed. Also Charitable Clothing Bin Permits no one to date has come in to obtain a permit. Mr. Onembo will contact Attorney Tipton for further discussion as to this matter.

Recycle Coordinator- Mr. Bulava will report back with further information as to the Certification Classes for Recycle Coordinators.

OEM – Not present.

Open Space – Beth Barry present, further discussions to ensue in Executive Session.

Committee Reports; Updates/Discussions –

Michael Ferri – Nothing further to report.

Michael Toretta – Nothing further to report.

Jeffrey DeAngelis – Nothing further to report.

Mark Blaszkowski – Nothing further to report.

Mayor Bonnie Butler – Nothing further to report.

Open Public Session

Cathy Pineno – addressed a thank you for securing home at 40 Halfway House Road and the letter sent to the Veterans Association.

Doug Meshach – addressed a thank you to the Fire Companies and Rescue Squad for supply ambulances/fire trucks for trick or treat on October 31st.

Joe Flynn – Commented as to status of the new doors and the intern position secured yet for the community center. Mayor Butler commented as to the scouts cleaning/painting the community center and Committeeman Blaszkowski will have to be asked about the intern and doors status. Also, Mr. Flynn, would like to present to the committee as to camp workers that would like to assist residents with simple home chores/cosmetics. Mayor Butler informed that next year in February would be a good time and to coordinate this presentation with the township clerk.

EXECUTIVE SESSION

BE IT RESOLVED, on this 2nd day of November, 2009, by the Township Committee of the Township of Franklin and pursuant to N.J.S.A. 10:4-1, that the Township Committee shall discuss the following matter in executive session

BRANDYWINE LITIGATION/OPEN SPACE FUNDING/NEGOTIATIONS
WITH FRANKLIN TOWNSHIP SCHOOL SNOW PLOW
CONTRACT/SINGLEY-THATCHER 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 2nd, day of November, 2009 by the Franklin Township Committee, that the matters stated will be discussed in executive session, said session to commence at 8:13 p.m.

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

On Motion by Jeffrey DeAngelis and seconded by Michael Ferri to return to the regular session at 8:56 p.m. Unanimous Vote

On motion by Bonnie Butler and seconded by Jeffrey DeAngelis to approve \$5,250 per acre, Appraisal, for the Ron Sigler Farm

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

On motion by Michael Ferri and seconded by Michael Toretta to approve \$6,000 per acre, Appraisal, for the Santini Trust

Roll Call Vote	Yes	No	Absent/Abstained
Mark Blaszk			X
Jeffrey DeAngelis		X	
Michael Ferri	X		
Michael Toretta	X		
Mayor Bonnie Butler	X	(3) Yes (1) No (1) Absent	(0) Abstained

MOTION FOR PAYMENT OF BILLS:

On motion by Jeffrey DeAngelis and seconded by Michael Toretta, 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	(4) Yes (1) Absent	(0) Abstained

On motion by Michael Toretta and seconded by Jeffrey DeAngelis,
hearing no objection, meeting stands adjourned at 8:58 pm. Unanimous Vote.

Respectfully submitted,

Denise L. Cicerelle, RMC/CMR
Municipal Clerk