

REGULAR MEETING

The Franklin Township Committee held their regular monthly meeting at 7:00 pm on Monday, December 7, 2009. Mayor Bonnie Butler opened the meeting in accordance with the "Open Public Meeting Act" Chapter 231, P.L. 1975 having been duly advertised and a copy posted in the office of the Township Clerk.

Present were: Mayor Bonnie Butler, Mark Blaszk, Michael Ferri, Jeffrey DeAngelis, Michael Toretta, Denise L. Cicerelle, Municipal Clerk, Mike Finelli, Engineer, Brian Tipton, Esq., Jim Onembo, Zoning Officer, Raymond Read, OEM.

Absent were: Roger Bulava, Recycling Coordinator

Following the flag salute the Regular Meeting Minutes of November 2, 2009 were accepted on motion by Jeffrey DeAngelis and seconded by Michael Ferri, all in favor. Executive Session Meeting Minutes of November 2, 2009 were accepted on motion by Michael Ferri, and seconded by Michael Toretta, all in favor. The Budget Workshop Meeting Minutes of November 16, 2009 were accepted on motion by Jeffrey DeAngelis and seconded by Michael Toretta, all in favor. Budget Workshop Executive Session Meeting Minutes of November 16, 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	(5) Present (0) Absent

At this time the Eagle Scout Proclamation was read by Deputy Mayor Mark Blaszk and presented to Matthew John Davidson by Mayor Bonnie Butler.

The following Proclamation was presented for First Reading/Adoption

**PROCLAMATION
HONORING
NANCY JACOBSEN**

Whereas, Nancy Jacobsen dedicated approximately 19 years to Franklin Township from 1990 to 2009, retiring on December 31st, 2009 as our Deputy Municipal Clerk of 4 years, Dog Licensing Official of 4 years, Open Space Clerk of 3 years and Welfare Director of 19 years and has also served the Township of Franklin in the capacity of Alternate Deputy Registrar; as well as, Deputy Municipal Court Administrator for Central Warren Court of approximately 15 years.

Whereas, Nancy, has, rendered equal service to all; and,

Whereas, Nancy has shown unselfish devotion to the community – knowing she has shared in its growth and success; civic dedication such as hers is the measure through which achievement is attained, and, therefore, the strength of every community; and,

Whereas, it is most appropriate that we recognize the accomplishments of

Nancy Jacobsen

Therefore, be it Proclaimed, that the Township Committee of Franklin Township, Warren County, in the State of New Jersey, does hereby recognize Nancy Jacobsen for her dedication to public service and her many accomplishments on behalf of the residents of Franklin Township.

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

Bonnie Butler, Mayor

Mark Blaszk, Deputy Mayor

Jeffrey DeAngelis, Committeeman

Michael Ferri, Committeeman

Michael Toretta, Committeeman

I hereby certify the above to be a true copy of a proclamation adopted by the Mayor and Franklin Township Committee Members at a regular meeting, Monday, December 7th, 2009.

Denise L. Cicerelle, Municipal Clerk

Dated: December 7, 2009

The following Resolution **#2009-76** was presented for First Reading/Adoption

RESOLUTION #2009-76

**RESOLUTION AUTHORIZING FRANKLIN TOWNSHIP TO PURCHASE
THE DEVELOPMENT RIGHTS TO THE
CLARA S. SANTINI AND THE SANTINO J. SANTINI TESTAMENT TRUST
PROPERTY**

WHEREAS, property owned by Clara S. Santini and the Santino J. Santini Testament Trust, known on the official tax map of Franklin Township (the "Township") as Block 41, Lot 9 (the "Property"), consisting of approximately 109 acres, was designated as a property to be protected under the Township farmland preservation plan; and

WHEREAS, the owners of the Property are willing to sell their development rights to the Township; and

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

WHEREAS, the Township applied for and received funding from the U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS) Farm and Ranch Lands Protection Program (FRPP) to purchase the development rights on the farm; and

WHEREAS, two fair market appraisals were obtained by the Township to establish the value of the development rights on this property; and

WHEREAS, the SADC certified a market value of \$5,800 per acre and the FRPP a value of \$4,000 per acre for the development rights; and

WHEREAS, the Property will include two exceptions to the easement, a 7-acre exception that may be severed from the Property, and a 1-acre exception that will remain

with the Property, resulting in a net acreage of the easement of approximately 101 acres; and

WHEREAS, the Township has negotiated a purchase prices of \$6,000 per acre for the development rights on the Property, or a total of approximately \$606,000, to be determined by a final survey; and

WHEREAS, soft costs for the acquisition, including appraisals, title policy, and survey, are estimated to cost \$21,000; and

WHEREAS, the SADC will provide a grant in the amount of approximately \$192,404 through the Muni PIG Program, and the NRCS will provide approximately \$202,032 in FRPP funds for the purchase of the development rights; and

WHEREAS, the County of Warren will provide a grant in the amount of approximately \$101,016 for the purchase of development rights; and

WHEREAS, the remaining funds for the purchase of the development rights will come from the Franklin Township Open Space Trust;

THEREFORE BE IT RESOLVED by the Township Committee of the Township of Franklin that it hereby authorizes participation in the purchase of the development rights for the Property for an amount up to \$140,000, the precise amount to be determined after completion of the survey of the easement and the actual soft costs, the balance of the costs of the project being met by the County of Warren, the State of New Jersey, and the Natural Resources Conservation Service through FRPP.

BE IT FURTHER RESOLVED by the Township Committee of the Township of Franklin that it hereby authorizes the municipal clerk, township attorney and municipal bond counsel, if needed, to take all action necessary and appropriate to effectuate the intent and purpose of this resolution.

NOW, THEREFORE BE IT 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 the Resolution and hereby approve it on the date indicated below:

On motion by Michael Ferri and seconded by Michael Toretta the aforementioned **Resolution 2009-76** be adopted as read.

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

The following Resolution #2009-77 was presented for First Reading/Adoption

RESOLUTION NO. 2009 77

WHEREAS, the Lienholder, Tad Dabrowski holds Tax Sale Certificate #04-01 and has paid subsequent property taxes on Block 15 Lot 16 and

WHEREAS, Property Owner has redeemed these Liens,

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Committee authorize the Tax Collector to refund the amount of \$ \$27,830.56 to Tad Dabrowski, 132 McKinley St., S. Plainfield, NJ 07080.

On motion by Jeffrey DeAngelis and seconded by Mark Blaszk a the aforementioned **Resolution 2009-77** be adopted as read.

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

The following Resolution #2009-78 was presented for First Reading/Adoption

RESOLUTION #2009-78

RESOLUTION AUTHORIZING FRANKLIN TOWNSHIP TO PURCHASE THE DEVELOPMENT RIGHTS TO THE RONALD R. SIGLER AND SHIRLEY W. SIGLER PROPERTY

WHEREAS, property owned by Ronald R. and Shirley W. Sigler known on the official tax map of Franklin Township (the "Township") as Block 45, Lot 46 (the "Property"), consisting of approximately 20.3 acres, was designated as a property to be protected under the Township farmland preservation plan; and

WHEREAS, the owners of the Property are willing to sell their development rights to the Township; and

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

WHEREAS, two fair market appraisals were obtained by the Township to establish the value of the development rights on this property; and

WHEREAS, the SADC certified a market value of \$5,250 per acre for the development rights; and

WHEREAS, the Property will include a 1-acre exception area around the existing residence that will remain with the Property, resulting in a net acreage of the easement of approximately 19.3 acres; and

WHEREAS, the Township has negotiated a purchase prices of \$5,250 per acre for the development rights on the Property, or a total of approximately \$101,325, the exact compensation to be determined by a final survey; and

WHEREAS, soft costs for the acquisition, including appraisals, title policy, and survey, are estimated to cost \$11,679 based on actual costs to date and proposals obtained by the Township for remaining tasks; and

WHEREAS, the SADC will provide a grant through the Muni PIG Program in the amount of \$3,525 per acre, or total of approximately \$68,033 for the development rights; and

WHEREAS, pursuant to N.J.A.C. 2:76-6.11, the SADC shall provide a cost share grant to the Township for up to 50% of the eligible soft costs for the purchase of the development rights on the Property, or approximately \$5,840, which will be deducted from the Township Muni PIG appropriation and subject to the availability of funds, and

WHEREAS, the County of Warren will provide a grant in the amount of approximately \$862.50 per acre for the development rights, for a total of approximately \$16,646; and

WHEREAS, so long as the aforesaid grants are obtained, the remaining funds for the purchase of the development rights will come from the Franklin Township Open Space Trust;

THEREFORE BE IT RESOLVED by the Township Committee of the Township of Franklin that it hereby authorizes participation in the purchase of the development rights for the Property for an amount up to \$22,486, the precise amount to be determined after completion of the survey of the easement and the actual soft costs. The balance of the costs of the project being funded by the County of Warren and the State of New Jersey through the Township Muni PIG Program; and

BE IT FURTHER RESOLVED by the Township Committee of the Township of Franklin that it hereby authorizes the municipal clerk, Township attorney and municipal bond counsel, if needed, to take all action necessary and appropriate to effectuate the intent and purpose of this resolution.

NOW, THEREFORE BE IT 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 the Resolution and hereby approve it on the date indicated below:

On motion by Michael Ferri and seconded by Michael Toretta the aforementioned **Resolution 2009-78** be adopted as read.

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

The following Resolution #2009-79 was presented for First Reading/Adoption

**TOWNSHIP OF FRANKLIN
COUNTY OF WARREN
RESOLUTION NO. 2009-79**

**RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND
APPROPRIATION NJS 40A:4-87**

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Franklin, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2009 in the sum of \$65,000.00 which is now available from State of New Jersey – Highland Plan Conformance in the amount of \$65,000.00.

BE IT FURTHER RESOLVED, that the like sum of \$65,000.00 is hereby appropriated under the caption Highlands Plan Conformance and

BE IT FURTHER RESOLVED, that the above is the result of funds from State of New Jersey – Highland Commission in the amount of \$65,000.00

On motion by Mark Blaszk and seconded by Michael Ferri the aforementioned **Resolution 2009-79** be adopted as read.

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

The following Resolution #2009-80 was presented for First Reading/Adoption

**TOWNSHIP OF FRANKLIN
COUNTY OF WARREN
RESOLUTION NO. 2009-80**

RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJS 40A:4-87

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Franklin, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the

year 2009 in the sum of \$76,000.00 which is now available from the State of New Jersey – Department of Transportation in the amount of \$76,000.00.

BE IT FURTHER RESOLVED, that the like sum of \$76,000.00 is hereby appropriated under the caption Asbury Historic District Sidewalk Improvement Project and

BE IT FURTHER RESOLVED, that the above is the result of funds from State of New Jersey – Department of Transportation in the amount of \$76,000.00

On motion by Mark Blaszk and seconded by Jeffrey DeAngelis the aforementioned **Resolution 2009-80** be adopted as read.

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

DISCUSSION

A previous roll call vote passed a few months back for a donation to be made to the Warren County ARC seeking support from municipalities to meet the cost of the match required to continue the Recreational Opportunities for individuals with Disabilities. After speaking with our CFO, she has advised that donating to one charitable organization might open ourselves up for future requests. Request should be made at budget time to list as a line item in our budget. We could put this in the 2010 budget if we would like to do so. Since there was a roll call vote this must be rescinded as a formal motion in order for the committee NOT to donate to the ARC.

On motion by Michael Ferri and seconded by Michael Toretta to rescind previous roll call vote NOT to donate to the ARC.

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

ENGINEER REPORT:

**1. THIRD STREET DRAINAGE PROBLEMS
(No change since last month’s report)**

- As authorized by the Committee, our office sent a Highlands Applicability Determination (HAD) application to the Highlands Council to receive formal authorization to construct the project. Unfortunately, the Township’s HAD application was denied by the Highlands Council as it did not meet the requirements to be classified as one of the Qualified Exemptions.
- Our office previously prepared and submitted a “Pre-Application” package for review by the NJDEP. Nevitt Duveneck attended a meeting on October 4, 2007 with various NJDEP representatives including John Moyle, Division of Dam Safety and Lou Cattuna, Land Use Regulation. Nevitt Duveneck will continue to coordinate with both John Moyle and Lou Cattuna. We were notified by Lou

Cattuna that in order for the project to proceed forward, an application to SHPO must be made in order to receive a "Project Authorization."

- Our office submitted the required SHPO application (refer to separate correspondence dated December 13, 2007). 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. The grant agreement was signed and executed by Mayor Butler and Denise Cicerelle. The agreement will enable the Township to secure the \$10,000 grant from the NJDEP for the work associated with the development of this interim WMP.
- 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)

(No change since last month’s report)

- 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 DOT Trust Fund project (i.e. Report Item #s 3 and 5).

5. 2009 NJDOT TRUST FUND APPLICATION: WILLOW GROVE ROAD, SECTION II

- The Township previously 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. As of the date of this report, our office is unaware if the Township has received the initial payment due from the NJDOT.
- Our office has been coordinating with the contractor and Mike Ferri regarding the completion of a number of final punchlist items in order to bring this project to closure enabling the Township to request the final grant disbursement payment from the NJDOT. As is required with these NJDOT Trust Fund Grant projects, the project can not be finalized and closed out until pavement testing is completed.
- The Township Committee should be advised that no payment has been made to the contractor on this project to date. 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
(No change since last month’s report)**

- 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

- 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 was submitted to the NJDEP. Our office will continue to communicate with our wetlands consultant, Jeff Tareila, regarding the disposition of the LOI application with the NJDEP. As of the date of this report, no final Wetlands Line Verification has been secured. However, our office believes that the Township should be receiving same in the very near future.

8. HIGHLANDS PLAN CONFORMANCE

- Nevitt Duvencek, 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. 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.
- It is our understanding that Chuck McGroarty, P.P., is moving forward with the balance of the Highlands Plan Conformance process and the compilation and submission of all required documents and completed Modules to the Highlands Council.

9. 2010 TRANSPORTATION ENHANCEMENT APPLICATION

- The Mayor and Township Committee previously authorized our office to prepare a grant application thru this program for the replacement and improvements to a portion of the sidewalk system in Asbury. Our office, on behalf of the Township, completed the application and submitted same electronically, as required.
- 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.
- We have recently completed the design phase and developed a full set of construction plans for the project which were then forwarded to the NJDOT’s consultant, Greenman-Pedersen, on November 5, 2009 for their review and approval in conjunction with the required “Authorization” referenced above. Nevitt Duvneck of our office attended a meeting with Greenman-Pedersen on December 2, 2009 where we were provided with some initial review comments. Our office is presently revising the plans accordingly per the Greenman-Pedersen comments and will soon be submitting same for final approval and “Authorization.”
- Additionally, as required, we have met on site with the employees from the State Historic Preservation Office (SHPO), NJDOT and the Chair and Vice Chair of the Township Historic Commission to solicit their input on the project. All of their respective comments have been incorporated into the construction plans as required by the NJDOT.

REPORTS:

Engineer’s Report –

10. 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 Duvneck 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 Duvneck 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.

11. 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.

12. 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.

13. 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).

14. 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.

15. 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.

16. 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 Blaszk, 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.

17. 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.

18. 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.

19. 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.

NJSP – A representative was in attendance and Mayor Butler opened the floor to any and all questions related to the state police. Showing no concerns, nothing to report.

Attorney Report on file – 40 Halfway House Road coming together with reaching out to a person to collect outstanding bills for the clean up and securing the home in lieu of placing a lien on this property. Charitable Solicitation Ordinance still waiting for remainder of dates to complete ordinance, need to wait until January to adopt. Road Closure Ordinance, our first applicant requesting has come from a student inquiring if the fee could be changed to \$500 in lieu of \$1000. Attorney Tipton advised the committee that there is no built in waiver. This project was supposed to be December but has now been moved back to February 2010. Mayor Butler commented as to an article in the paper addressing \$567,000 on top of their salary at retirement, very prudent in Franklin Township, the max we pay out is \$15,000 to an employee retiring; from accrued sick time.

Zoning/Jim Onembo – With winter approaching; will visit areas of concern as to clearing of sidewalks in front of homes. Mayor Butler added that plowing snow into the street is also prohibited.

Recycle Coordinator- Not present.

OEM – Nothing to address.

Open Space – Beth Barry present, and thanked the committee for the adoption of 2 resolutions pertaining to the Open Space Commission. Letter for Leavans needs to be taken care of and will get to Mayor for signature. Also commented as to the signing of the Land Conservancy Contract for 2010.

Committee Reports; Updates/Discussions –

Michael Ferri – Nothing further to report.

Michael Toretta – Nothing further to report.

Jeffrey DeAngelis – Nothing further to report.

Mark Blaszkowski – Franklin Township Website now includes a pie chart and outlines the percentage of where your tax money gets distributed to; school, municipal, etc.

Mayor Bonnie Butler – Nothing further to report.

Open Public Session

Karen Chiu – Enjoyed tree lighting. Mayor Butler thanked the squad for the lighting and the fire company for bringing santa.

Dawn Stephanick – Resident of Valley Greene Estates commented as to a concern with the 9/14/09 meeting minutes. Minutes state as to the fence issue, it is VGE's intention to use township money. The association did not ask for the township to use their monies to repair any fences in the association. Attorney Tipton advised that on a legal standpoint minutes once approved can not be changes but will be duly noted in these minutes.

Tracey Heisler – Questioned what Resolution 2009-76 means. As well as does the township search for ratables or do people just approach the township, and is there a committee that works specifically on this. Mayor Butler commented that people come to the township and there are not many people knocking down our doors. Senator Doherty repealing the Highlands Act, how will this affect Franklin Township. Mayor Butler commented it has not been decided if the township will conform to the Highlands Planning Area, still deciding whether to comply or not. The deadline is tomorrow for the preservation area, that has been done. Master Plan initiative, per Attorney Tipton, zoning change requests need to go through the township, the Land Use Board can make a request as well.

Sudha Kantor – Has a question for the state police, after all, as to the truck traffic and speed on Anderson Road. Is there any way to enforce the laws not to allow trucks on this road? Trooper will voice concern to station and will make an effort to step up patrols on this road as well. Ms. Kantor also requested to have the Municipal Agenda posted on our website. Mayor informed that this will be done, sometime in the area of February.

Ms. Kantor offered volunteers with IT help to get more info out to township residents. Also, the experts hired for Land Use Board matters, are they hired as per what the township can afford? Kantor offered to help with a more broad search for experts. Mayor Butler informed that experts are paid for out of each individual escrow account and Deputy Mayor Blaszk added that all applicants are required to replenish their escrows as needed. Engineer Finelli would be glad to seek other professionals and pass on to the Land Use Board. Ms. Kantor will contact Engineer Finelli to discuss further. Lastly, Ms. Kantor requested email address for individual committee persons to be able to communicate on an as needed basis. Ms. Kantor thanked the committee for hearing their concerns as well as the Open Space Committee for their works to preserve our lands in Franklin Township.

Mayor Butler, at this time, wanted to thank Committeeman Ferri for his services, this will be Mr. Ferri's last official meeting, serving almost 2 full terms. He worked hard as the DPW Liaison.

EXECUTIVE SESSION

BE IT RESOLVED, on this 7th day of December, 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/PROFESSIONAL CONTRACS/PERSONNEL

It is not possible at this time for the Township Committee to determine when and under what circumstances the item which is to be discussed in executive session can be publicly disclosed.

THEREFORE, be it resolved on this 7th, day of December, 2009 by the Franklin Township Committee, that the matters stated will be discussed in executive session, said session to commence at 7:49 p.m.

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

On Motion by Michael Ferri and seconded by Michael Toretta to return to the regular session at 8:57 p.m. Unanimous Vote

On motion by Bonnie Butler and seconded by Michael Ferri not to exceed \$6,500, for the payout of unused accrued sick time for Nancy Jacobsen.

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

MOTION FOR PAYMENT OF BILLS:

On motion by Michael Ferri and seconded by Mark Blaszk, 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	(0) Abstained

Committee DeAngelis informed that he is working on quotes for a camera system and night vision for outside with a 14 day record time, approximately \$4800. We should think about color coding the Key Fob system for FTYA and other outside organizations to help police this system.

Committeeman Blaszk is interviewing for Community Room Scheduler, the person who was going to take the job fell through. Also the school came in and buffed/cleaned the Community Room Floor.

On motion by Michael Ferri and seconded by Michael Toretta, hearing no objection, meeting stands adjourned at 9:05 pm. Unanimous Vote.

Respectfully submitted,

Denise L. Cicerelle, RMC/CMR
Municipal Clerk