

**REGULAR MEETING**

The Franklin Township Committee held its regular monthly meeting at approximately 7:02 pm on Monday, September 3, 2019. Mayor Jeff DeAngelis 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.

Following the flag salute a roll call of committee members present.

**ROLL CALL OF COMMITTEE MEMBERS PRESENT:** David Guth, Mike Ferri, Mike Toretta, Mayor Jeff DeAngelis, (4) Present. Jeannene Butler (1) Absent

Present were: Denise L. Becton, Municipal Clerk, Dominick and Mike Finelli, Municipal Engineer, Kevin Benbrook, Municipal Attorney, Raymond Read, OEM, Jim Onembo, Zoning/Code Enforcement.

**CONSENT AGENDA:**  
(One Roll Call to approve the following agenda items)

**2. APPROVALS**

- a. Meeting Minutes
- b. Resolution 2019-59

**RE: August 5, 2019**  
**RE: Appointment to LUB due to Vacancy of Class IV Position**

On motion by Committeeperson Mike Ferri and seconded by Committeeperson Mike Toretta all items on the Consent Agenda be adopted/approved as listed. .

<b>Roll Call Vote</b>	<b>Yes</b>	<b>No</b>	<b>Absent/Abstain</b>
Jeannene Butler			X
Mike Ferri	X		
Michael Toretta	X		
Dave Guth	X		
Mayor Jeff DeAngelis	X	(4)	Yes (0) No (1) Absent Motion Carried

**Consent Agenda Resolutions - First Reading/Adoption:**

**Resolution 2019-59**

**RESOLUTION 2019-59**

**WHEREAS, Ordinance 2002-14** provides for the establishment of a "Land Use Board" consisting of nine members that shall be appointed by the Mayor of the Township of Franklin. A vacancy has occurred for the year 2019.

**WHEREAS,** the Mayor of the Township of Franklin, for the Class IV, Sudha Kantor, 3 year term, vacancy effective 7/3/2019, hereby appoint Chris Hamler to fill the remainder of the term to expire 12/31/2019.

On motion by Mike Ferri and seconded by Mike Toretta the aforementioned **Resolution 2019-59** be adopted as read.

<b>Roll Call Vote</b>	<b>Yes</b>	<b>No</b>	<b>Absent/Abstained</b>
David Guth	X		
Jeannene Butler			X
Mike Ferri	X		
Michael Toretta	X		
Mayor Jeff DeAngelis	X	(4)	Yes (0) No (1) Absent Motion Carried

**CERTIFICATION**

I, Denise L. Becton, Municipal Clerk of the Township of Franklin, do hereby certify the foregoing to be a true copy of a Resolution adopted by the Franklin Township Committee at a meeting held on September 3, 2019.

\_\_\_\_\_  
Denise L. Becton RMC/CMR

**Resolution 2019-60**

**NEW BUSINESS**

**Reports/Updates:**

**New Jersey State Police** –No representation this evening

**Approval – FY2020 Municipal Alliance County Contract**

On motion by Mike Ferri and seconded by David Guth to authorize the mayor/clerk to execute the Contract.

<b>Roll Call Vote</b>	<b>Yes</b>	<b>No</b>	<b>Absent/Abstained</b>
David Guth	X		
Jeannene Butler			X
Mike Ferri	X		
Michael Toretta	X		
Mayor Jeff DeAngelis	X	(4) Yes (0) No (1) Absent	Motion Carried

**OLD BUSINESS**

**PUBLIC HEARING AND CONSIDERATION OF:**

**Final Reading and Adoption of Ordinance 2019-8**

**ORDINANCE 2019-8**

**AN ORDINANCE APPROPRIATING THE SUM OF \$29,275.00  
WHICH WILL BE BUDGETED IN THE 2019 CAPITAL  
IMPROVEMENT FUND OF THE TOWNSHIP OF  
FRANKLIN FOR MAINTENANCE AND UPGRADE OF FIRE PROTECTION  
BUILDING SERVICES AND LIGHTING INSTALLATION AT TOWNSHIP GARAGE  
AND BUILDING IMPROVEMENTS TO THE COMMUNITY CENTER**

On motion by David Guth and seconded by Mike Ferri to open the Public Hearing.

No Public Comments

On motion by Mike Ferri and seconded by David Guth to close the Public Hearing.

On motion by Committeeperson Mike Ferri and seconded by Committeeperson Mike Toretta the aforementioned **Ordinance 2019-8** be adopted.

<b>Roll Call Vote</b>	<b>Yes</b>	<b>No</b>	<b>Absent/Abstain</b>	
Jeannene Butler			X	
David Guth	X			
Mike Ferri	X			
Michael Toretta	X			
Jeff DeAngelis, Mayor	X	(4) Yes (0) No	(1) Absent	Motion carried

**REPORTS/UPDATES:**

**Attorney Report – Report on file as submitted**

Attorney Benbrook briefed the committee as to items addressed this past month. The donated Lipari property has been scheduled for auction at our October 7<sup>th</sup>, 2019 township meeting. The Redevelopment Designation Case has scheduled its first Case Management Conference. The township is in a position now to request an escrow of \$10,000 from the Developer and to designate Steve Gouin, Esq. as our Special Redevelopment Counsel.

On motion by Committeeperson David Guth and seconded by Committeeperson Mike Ferri appoint Steve Gouin, Esq. as Special Redevelopment Counsel.

<b>Roll Call Vote</b>	<b>Yes</b>	<b>No</b>	<b>Absent/Abstain</b>	
Jeannene Butler			X	
David Guth	X			
Mike Ferri	X			
Michael Toretta	X			
Jeff DeAngelis, Mayor	X	(4) Yes (0) No	(1) Absent	Motion carried

Still trying to clarify the matter with the DPW Tractor Supply Past Due Account. We received a letter from their attorney that is not clear if this matter has been resolved. A detailed letter was received as to the remediation at the Edison Road Facility. They would be happy to come speak with the committee. Kevin Hahn, Esq., for ISE America was in contact with Mr. Benbrook, apparently our municipal ordinance is not valid anymore and the township has no ability to regulate ISE as a commercial farm. The consensus of the committee is to take a field trip to the farm. John Rolack, is now our liaison with WC Habitat for Humanity as to the homes being built on Beidleman Road. The affirmative Marketing Plan has been prepared and submitted to the DCA.

**Franklin Township Community Center – Eddy Patient – Report on file as submitted**

Mr. Patient was in attendance this evening providing to the committee a background of the community center. Approximately \$20,000 annually is generated multiply that by 15 years equates to \$300,000 of revenue. FTYA is able to use this facility all year round and in turn equates to another \$300,000 of revenue, if they were billed. 80% of the money collected comes from out of town groups. A list of proposed upgrades and changes were submitted with approximate costs. When asked to prioritize the list from the highest to the least important, they would be as follows:

1. Replace current antiquated heating system to include heat and air conditioning - \$130,000-\$228,000. Attorney Benbrook will reach out to SSP as to heating/AC of the building.
2. Purchase of a 40ft. storage trailer and attaching it to the rear of building to access from inside the gym \$10-\$15,000. Mike Ferri will look into a possible purchase of a new trailer.
3. Install a chair lift for handicap accessibility \$6,000 and remove the current ramp (DPW assistance)
4. Install vending machines drinks/snacks \$5,000 and remove existing water fountain (DPW assistance)
5. Replace rear door to gym \$5-\$8,000 and install Fob unit in rear door \$4,500.
6. Install next curtain between gym and spectator area \$8,500.
7. Free WIFI for community center \$1,000.
8. Lines for Pickle Ball and tennis, prepare surface & paint lines \$10,000.

Tax Foreclosures - Attorney Benbrook informed the committee as to outstanding tax sale certificates. We are still paying taxes on these properties and most have never been recorded through the County Clerk's office. When dealing with our 2020 budget we need to put a max of \$10,000 aside for search/file fees to close these out.

### **Zoning Officer – Jim Onembo**

Mr. Onembo updated the committee as to various zoning and code enforcement this past month. A meditation facility and a small appliance business showing interest in our township. Back in court for 26 VanSyckle Road. An additional foreclosure at 151 Good Springs Road and a Line of Site issue at Rt. 57 and Franklin Street.

### **Fire/OEM – Raymond Read**

Busy month with all calls being answered, kudos to the members of fire/ems. Received an insurance check paying partial for the damage to the fire truck. The money will go back in the budget to offset the bill paid.

Rocky Brook I – Attorney Benbrook was assisting a homeowner trying to sell her home needing clarification as to the ownership/maintenance of a detention basin on her property.

### **FTYA – Jim Schlessinger**

Mr. Schlessinger in attendance this evening in support of Eddy Patient and the upgrades submitted earlier. Apologies for his absences at township meetings. FTYA starving for volunteers and coaches.

## **Township Committee Reports:**

### **David Guth-**

Mr. Guth reviewed the DPW Report submitted by Ron Read. Giving updates on the project on Montana Road and a wall at 139 Millbrook Road needs repairing, hopes to start on catch basins in Edison Lakes. As to last month's building concerns, will have time in the winter months to repair/paint inside of building as well as to the salt shed. The outside of the building needs a good coat of paint. The mower shed needs to be repaired/painted. Mr. Guth will follow up with Mr. Read as to the surveillance system upgrade. A Sewer drain collapse on Bickel road has been repaired. Water run-off into a swimming pool corrected. Edison Road Development trees overgrowing into sidewalk hindering kids walking to bus stops need to be maintained, who is responsible the township or residents. Attorney Benbrook informed the property that the tree is on, is responsible for the maintenance of the tree, and is also free to cut down the tree if diseased/dying. An incident at the Municipal Building and the Municipal Clerk being in the office two days a week alone, security measures should be addressed. Eddy Patient added that we should look into a door to secure off the community center from the municipal offices, as well. Lights blown out around the municipal building and the township sign should also be fixed, safety issue.

### **Engineer Report - See report as submitted below by engineer:**

The following are a few matters to update the Township Committee, and are provided via this e-mail and are found below.

1. Township Wastewater Management Plan (WMP) (No change since last Report)
  - We have been advised in a June 16, 2014 email from NJDEP that there are three (3) options with regard to the most recent grant allotment received for \$19,000 via correspondence from the NJDEP dated, 2/12/14.

- a. Don't accept the grant and don't do any additional work and see what comes out of the new Waster Management Planning Act regulations.
- b. Submit a new scope of work which includes a request for funding for septic density zoning.
- c. Complete septic density zoning without funding from the State.
- This matter was discussed at the July 7, 2014 TC Meeting, and the Committee decided to choose Option "a" as outlined above. Based upon that decision, our office, via letter dated July 15, 2014 notified the NJDEP of the Township's decision. A copy of this letter was provided to the Township for their information and records.

## 2. Pohatcong Valley Groundwater Contamination (OU2) Potable Water Main Extension Project

- Please refer to Engineers report dated June 1, 2018 for historical information relative to this project.
- Our office continues to coordinate with Arcadis regarding the project and the various issues associated with the pending start of construction in Franklin Township. Our office has provided review services associated with the Street Opening permit applications. Escrow monies were submitted by Rio Tinto to cover the fees generated by our office for our review work. Rio Tinto has hired Montana Construction as the General Contractor for the project. Montana Construction will be utilizing the American Legion Hall (adjacent to the Greenwich Municipal Bldg.) as their construction office.
- The process of issuing individual street opening permits has been completed. Our office had a meeting with Armando Viguez, Project Manager for Montana Construction, to review the various aspects and requirements associated with the issuance of Street Opening Permits. Mr. Viguez will be the primary contact person for Montana Construction for the project. Our office has released approvals to Montana Construction for the Street Opening Permits applications.
- The Township of Franklin has received a check in the amount of \$25,718.00 which represents the Application Fee to the Township associated with the Street opening permit applications. In addition, Rio Tinto has submitted an Escrow check to the Township which will be utilized by the Township for payments to our office in conjunction with our inspection work and general administration of the project for the Township of Franklin.
- A Pre-Construction meeting was held on April 5, 2018 at the American Legion building. Both myself and Committeeman Guth were present on behalf of the Township. There were many attendees present, consisting of representatives from Rio Tinto, Arcadis, Montana Construction, NJDOT, EPA, CH2M Hill, Warren County, Transcontinental Gas Pipeline, Franklin Township and Greenwich Township. The meeting was informative and clearly established that the project was getting very close to the start of construction.
- Overall Project Construction commenced the week of May 7<sup>th</sup> with the initial work being conducted on NJSH Rte. 57. Work in Greenwich Township commenced the week of May 21<sup>st</sup>. Work on Township Roads has been ongoing for over two months now (approx. since the beginning of Aug.). Water main installation has been completed within the Edison Lakes development and other misc. roadways (Thatcher Ave, Montana Rd, Cole Rd, Second St, etc). Please be advised that the road closure of Stewartsville Rd has been temporarily lifted, but the road will again be closed once work resumes on Stewartsville Rd. All required services (Police, Fire, EMS) and other agencies, including the School District, have been notified and have approved of the closure.
- It should be noted that the connection to the portion of the system (AQUA) in Greenwich Township has been made.
- Warren County still has not issued their permit for the work on Edison Rd (County Route 633) or for the two (2) stream crossings along Stewartsville Rd. I am unaware of when the permit(s) may be issued. This situation with the County not issuing a permit is impacting the project schedule as it has

created the inability for the contractor to continue to work on the project. Our office had a recent discussion with the contractor, Montana, who indicated that should construction cease at the project in the near future, the contractor will not be returning until late winter to early Spring 2019 when they would resume activity.

- Representative of the Township (Mayor DeAngelis, Committeeman Guth, Sonny Read and myself) attended a meeting on October 9, 2018 at the Arcadis field office. Also in attendance were representatives from Rio Tinto, Arcadis, Montana, and NJAWCo. The primary purpose of the meeting was to develop a solution for the air releases which are quite unsightly and clearly in need of modification.
- Our office previously received a revised detail for the air releases which now consists of a 3 in. diameter pipe approximately 2ft high which is covered by a Fiberglass enclosure. The enclosure can either be tan or green in color. This feature seems to be a big improvement over the original design. The contractor is looking for direction from the Township, through our office, on approval of this air release design. We have been told that NJAWCo., will not agree to have these air releases removed in their entirety. We are also in the process of determining the flexibility of a horizontal shift (along the frontage of the impacted properties in question) to the location of the air releases.
- On January 28<sup>th</sup> I received a phone call from Nica Klaber, EPA, who was following up with me about our most recent letter, dated January 25, 2019, regarding the air releases and our request for clarification and additional information from the design engineer, John Tobia, PE, Jacobs. I believe that my phone conversation with Ms. Klaber will prove helpful towards a resolution of the air release issue. She seemed genuinely concerned that the Township was still objectionable to the latest proposal being offered by the OU2 reps.
- Very little work has been performed on the project during the month of January so there is not much to report on relative to the progress of the project on the whole. The majority of work during the months of March and April was conducted in Greenwich Township. Little work has occurred in Franklin Township since the resumption of construction for the project in February. The primary hold up remains the issuance of the road opening permit for Edison Rd (CR 633) along with the two culvert crossings along Stewartsville Rd. Our office has been coordinating with both the contractors and the County in an effort to bring this matter to closure by the issuance of the appropriate permits.
- A joint meeting was held at our office on April 16, 2019 between OU2 representatives (Arcadis & Rio Tinto) and Warren County representatives (County Administrator, Freeholder Sarnoski, and County Engineer). A detailed discussion took place regarding the outstanding permits and their respective status. It appears that the County may be issuing the permits for the 2 culvert crossings along Stewartsville Rd in the near future. Unfortunately, there appears to be a “stalemate” between the County and OU2 on the Edison work and associated permit. As of the date of this report, I am unaware of any resolution to this matter.
- I have recently contacted Nica Klaber regarding the need to resolve the long standing Air Release Valve (ARV) locations and final design configuration. A site inspection (walk-thru) is scheduled for June 11, 2019 between our office and the EPA reps. Dave Guth will be attending this meeting as well.
- A joint meeting between Warren County, New Jersey American Water Company and the EPA was held on May 20, 2019. The primary purpose of the meeting was to review all of the outstanding items/issues between the County and the OU2 reps in an effort to bring the various issues to closure and to allow the project to get “back on track”. I was not in attendance at the meeting but have spoken with representatives from both the EPA and the County subsequent to their meeting. It appears that all of the previously outstanding issues were resolved to the point where Arcadis will be supplying the County with revised plans with the intent that the County will be in a position to approve same allowing all the necessary permits to be issued. The time frame for construction to resume in Franklin Township was not relayed to me.

- The recent delays impacting work on the project in Franklin Township may soon be ending. It appears that the County and the OU2 project contractors have finally resolved their “differences”. There is a meeting scheduled for Wednesday August 7<sup>th</sup> which may result in permits being issued by the County and the resumption of work in Franklin Township.
- As previously reported, the ARV (Air Release Valve) modifications has been resolved. Upon resumption of work in Franklin Township, the contractors will be installing the new improved and modified ARV’s.
- Work in Franklin Township has recently resumed. The work on Edison Rd has been proceeding and the initial stream crossing on Stewartville Rd has also commenced. There have been meetings, the most recent on August 19<sup>th</sup>, to coordinate the resumption of work on the project and to discuss the various tasks that lie ahead. It appears that everyone is now “re-focused” and the project is moving forward at a faster pace. Beyond the ARV upgrades and the completion of the main installation along Stewartville Rd, the next milestone will be the start of service connections to the various properties.
- At this juncture and based upon the level of completion of work on the project, the anticipated construction completion date for the project is Spring 2020. This clearly impacts a number of issues within the Township including the resurfacing of Stewartville Road and our 2018 NJDOT Grant for same (see item #3 below).
- I will continue to keep the Committee apprised as the project moves forward.

### 3. 2018 NJDOT State Aid Program:

- Our office and the Township recently received a letter, dated July 25, 2017, from the NJDOT announcing the start of the 2018 Program. As we have discussed many times over the past years, the Municipal Aid Program has been very beneficial to Franklin Township with over a million dollars being awarded over the past years. Since we did not receive a grant through the 2017 Program, I am sure that the Township intends to file at least one application through the 2018 Program. As you recall, last year’s application was for Stewartville Road and I will assume that we will resubmit this Road again. We should consider potentially adding a second applicant should a good candidate be selected. The applications are required to be submitted (via SAGE) on or before October 6, 2017. The Committee authorized our office to proceed with the development of an application for Stewartville Road at the August 7<sup>th</sup>, 2017 Committee Meeting.
- Our office has been developing the application and it is close to being in a position for submittal to the NJDOT via SAGE. As previously discussed, the Township must adopt a Resolution for the submittal and execution of a Grant Agreement with the NJDOT, as part of the application submittal process. Resolution # 2017-62 for Stewartville Road was approved at the September 11<sup>th</sup>, 2017, Meeting.
- Our office completed the application and it was submitted to the NJDOT, via SAGE, prior to the October 6<sup>th</sup>, 2017 deadline.
- I am pleased to report that the Township was awarded a grant through this program for the resurfacing of Stewartville Road in the amount of \$160,000. Please be advised that there could potentially be a shortfall between the actual costs and the grant amount. Our office estimated a total cost, including inspections and testing, of \$234,285. We requested \$198,000, and received \$160,000.
- This budget shortfall was discussed in detail at the March 5, 2018 Committee meeting. Based upon the fact that the Township will be getting ½ of the road paved through the Water Main Project, we inquired with the NJDOT regarding that fact and its potential impact on the Grant. As reported, our office will need to develop a Scope Modification to confirm the ability to have the DOT participate in only ½ of the roadway. We are presently working on same. We are confident that this will work out in the best interest of the Township. Our latest estimate, considering only paving half of the road, equates to a new

estimate of approximately \$152,500.00 (incl. inspection & testing), which would be completely within the Grant allotment from the DOT, with no shortfall.

- Our office has been in contact with Montana Construction (the OU2 water main project contractor) in respect to the necessary coordination with Montana's paving contractor in an effort to complete a full width overlay of the entire length of Stewartville Road. My discussions have been positive relative to their willingness to work with the Township in a collaborative way to achieve the goal of a full width overlay.
- The Township Committee previously authorized our office to begin the required field survey work and initiate the development of the Construction Plans for the project. Our office has completed the survey work for the project and are presently developing the base maps and continuing our work on the construction drawings. We anticipate completing the construction plans in the near future and then a submission will be made to the NJDOT for their approval.
- At the Aug. 6, 2108 Township Committee meeting, the Committee decided to delay the start and construction phase of the DOT Grant project until the completion of the OU2 Water Main Ext. Project(see report item #2 above) based upon the large amount of truck traffic impacting Stewartville Rd. Our office will still need to coordinate this project with the paving phase of the OU2 Water Main project so that the entire Road (½ -OU2 and ½-DOT Grant) will be paved at the same time as discussed above. This will require our office to secure the DOT's approval of our Plans and Spec.'s to insure there would be no delay in being able to start the DOT funded portion of this Roadway paving operation.
- Since the OU2 project will not be completed until sometime in 2020, this will impact the use of these grant dollars as the paving of this roadway is directly related to the schedule and completion of the OU2 project. The grant requires the project to be awarded by Feb 2020 (2 years after notification of the grant from the NJDOT). The delays in the OU2 project have resulted in the Townships inability to complete the roadway resurfacing in that time frame. We have been in discussions with the NJDOT regarding how we best proceed under these circumstances. We believe that we have a good solution which will facilitate the completion of both of these two projects and eliminate any possibility of the NJDOT rescinding the grant. I will explain the process in more detail at the September 3<sup>rd</sup> TC mtg.
- We will continue to keep the Committee apprised of the progress of the project.

#### 4. Township Walking Path / Rec Trail: "Old" Smith Farm Property

- This matter was discussed at the July 10<sup>th</sup>, 2017 TC meeting. I was asked to forward a number of historical plans which were previously developed by our office for the Township. I sent out an e-mail to everyone on July 24<sup>th</sup>, 2017 which included three (3) different versions and configurations of a Walking Path within and around the property. As per my cover e-mail, the most current plan which was sent, dates back to April 2015.
- This project was discussed at some length at the August 7<sup>th</sup>, 2017 Committee Meeting. A number of issues including, but not limited to, County Roadway improvement requirements, the incorporation of an emergency access driveway, the width of the path, the estimated cost and the size and location of the parking lot were all reviewed. The Township Committee was specifically interested in what improvements might be required by the County should a parking lot be constructed with direct access to Road (County Rote 643) across from the Elementary School.
- Based upon the above, I spoke at length with County Engineer, Bill Gleba, regarding the project and the improvements that would be required in order to secure approval from the County Planning and Engineering Departments. As I suspected and as I have indicated to you, the County would look at this "situation" as a mid-block crosswalk which would require flashing warning



pedestrian crossing signs, other signage, and numerous administrative requirements and agreements between the Township and the County.

- The Township's alternative to constructing the parking lot directly off of Asbury-Broadway Road would be to construct the parking lot with access being provided from Bryan Road. The exact location of the parking lot would need to be discussed and reviewed as there are a number of different potential locations available along Bryan Road. I discussed this alternative design with Bill Gleba who acknowledged and supported the concept. Based upon the number of unanswered questions at this time, I did not proceed any further. I will be making a recommendation to the Township Committee regarding what I believe to be the best location for a parking lot off of Bryan Road. Should it be approved, we would be in a position to move forward with the design.
- This project was discussed at length at the October 2, 2017 Committee meeting. The issue of the rights to access the Rocky Brook development have been since confirmed VIA a subsequent e-mail from my office. The location of the parking lot was also confirmed in that it would not be located off of Bryan Road and would be across from the elementary school with access from Asbury – Broadway Road. Other miscellaneous issues and design features were also discussed. The Township then authorized our office to proceed in developing the plans for the Walking Path and Parking Lot in an effort to get them out "to Bid".
- Our office has completed the majority of the field survey work. This information was then utilized in moving forward with the design process and the development of construction plans for the project. We are currently moving forward towards the completion of the design and construction drawings. Subsequent to that, I will forward same to the Township Committee for their approval. After approval by the Township Committee, our office will provide the two (2) primary 3<sup>rd</sup> party review agencies, the Warren County Planning (Engineering) Department and the Warren County Soil Conservation District with formal applications for their review and approval.
- Our office attended a meeting with the County Engineers office to review and discuss the improvements they will be requiring along Asbury-Broadway Road. We have been incorporating those improvements into the project design and construction plans. We continue to make good progress and will hopefully be submitting the plans to the required review agencies (Warren County Planning Department & the WCSCD) in the near future.
- Based upon the SWM requirements that are required per the increase in impervious cover and overall area of disturbance, our office needed to generate additional and sight specific topography in order to better define the various drainage areas for this project. The field work was completed and the data has been transferred to our office. We have completed the SWM analysis and the design and have developed the required SWM report for purposes of our submissions to both the WCPD & WCSCD.
- Our office recently completed the development of all of the required submission information for the 2 primary reviewing agencies, the WCPD & WCSCD. We have assembled all the required documents and have submitted formal application to both agencies. The applications were submitted during the week of April 30, 2018. Our office will be providing hard copies of all information developed and submitted to Denise B. for the Township's information and records.
- The submission to the Warren County Planning Department (WCPD) did not require any type of application or review fee as the Township is exempt, but the submission to the Soil Conservation District did require a fee of \$2,525.00 (check provided to me by Dawn Stanchina, CFO). At this juncture we need to secure both of these approvals prior to going "out to bid".
- Submissions to both the WCPD and WCSCD were made on May 4, 2018. We have received initial review letters from both agencies. Our office has revised the plans as necessary to address the comments in each review letter. Resubmissions to both agencies were made on June 4, 2018.

- I am pleased to report that we have secured Plan Approval from WCSCD, via letter dated June 13, 2018. We have also received conditional approval from the WCPD, via letter dated June 26, 2018. There still remains a number of comments from the WCPD letter that we need to address and some administrative matters with the Township. As per their request we have scheduled a meeting with the County Engineer's office for July 6, 2018.
- We attended a meeting with reps from the County Engr. Dept. on July 6. A detailed review of their June 26, 2018 letter was conducted. We have recently completed the necessary plan revisions per their last review letter and our meeting. A resubmission to the County was recently made. I am confident that we will be able to satisfy the final comments from the County and the project will then be in a position to go "out to bid".
- Our office has recently been in discussions with the Warren County Engineers office regarding this project and the status of their review of same. There are some additional comments that the County Engineer's office would like us to incorporate into a revised plan set. We are looking to set up a meeting with the County in the near future to address their final comments.
- In addition to securing approvals from the WCPD & WCSCD, the project was presented to the Township LUB by myself at their November 7, 2018 meeting. It was presented to the Township Land Use Board as a Capital Improvement Project governed by NJSA 40:55D-31. Generally speaking, the Land Use Board seemed to support the project and did offer a number of recommendations to the Township relative to a few design issues for the project. Those recommendations were contained in a letter from Rich Schneider, Esq, LUB Attorney, dated November 12, 2018.
- Our office received a "Conditional Approval" letter, dated May 6, 2019 from, the Warren County Planning Department. Our office has addressed the vast majority of the comments contained within their letter. We have spoken with County Engineer Bill Gleba, P.E, regarding their letter and have scheduled a meeting with Bill and the Planning Department for Wednesday June 5, 2019 where we will review the revised plans versus their review letter. We anticipate that all of their final comments will be addressed and that the project will very soon be Unconditionally Approved. Please be advised that a few administrative items (SWM Maintenance Responsibility and entering into an agreement with the County on Ownership and Maintenance for the Flashing Pedestrian Crossing Signs) remain outstanding.
- As stated at the July 1, 2019 Committee meeting, our office had resubmitted revised plans to the County in June. Our office received a review letter, dated July 22, 2019 containing a few final comments and a number of administrative compliance items. We remain very confident that final compliance with the County's latest review will be in the very near future. The Township may wish to consider going "out to bid" very soon as full unconditional approval is forthcoming.
- At the August 5, 2019 meeting, the TC authorized our office to put the project "out to bid". A bid opening date of September 25<sup>th</sup> was established with the hope and intent of a potential contract award at the October 7, 2019 Committee meeting. Our office has been working on completing the bid documents (plans and specs) to enable the project to be advertised. We are scheduled to have the notice to bidders advertised the first week of September.
- I will continue to keep the Committee apprised as the project moves forward.

#### 5. 2019 NJDOT Municipal Aid Program:

- Our office and the Township recently received a letter, dated July 24, 2018, from the NJDOT announcing the start of the 2019 Program. As we have discussed many times over the past years, the Municipal Aid Program has been very beneficial to Franklin Township with well over a million dollars being awarded over the past years. I am sure that the Township intends to file at least one application (we have submitted 2 in the past) through the 2019 Program. As you recall, last year's application was for Stewartsville Road where we were awarded a grant in the amount of \$160,000. We should consider developing an application

for submittal. We can work with the DPW in determining the best applicant(s) to be submitted through the 2019 Program. The applications are required to be submitted (via SAGE) on or before October 8, 2018. The Committee authorized our office to proceed with the development of a 2019 application at the Sept. 4, 2018 Committee Meeting.

- We have discussed numerous candidates with the DPW for the 2019 application. In summary and conclusion, we all agreed that Montana Rd would be the best application for submission to the DOT through this program. Due to the amount of guiderail that would potentially be required, we will not be able to make application for the entire length of Montana Rd within Franklin Township as it would be cost prohibitive. We will be making an application for the “bottom” section of the roadway from Route 57 North to a point that is still being determined.
- Although there was an extension given by the NJDOT for the submittal of the 2019 application to October 18, 2018, our office made the submission via SAGE on October 5, 2018.
- We were recently notified via NJDOT letter, received April 1, 2019, that the Township was awarded a Grant in the amount of \$122,000 for Montana Rd, Section 1.
- At the May 6, 2019 Committee meeting, our office was authorized to begin the work associated with the development of construction plans for this project. Our office has done the survey work required in conjunction with the development of the construction plans.
- We will keep the Committee apprised of the status of our work moving forward.

6. Beidelman Road (Block 16, Lot 9) Major Subdivision: Mt. Laurel Settlement :

- This project is a primary component of the Township’s Mt. Laurel Settlement Agreement with FSHC. It consists of an 8 lot Major Subdivision with each lot being approximately 0.5 Ac. with direct road frontage along Beidelman Road. Each lot will contain a Single Family Dwelling with a driveway and a Septic System. Habitat for Humanity has previously expressed their interest in purchasing these lots from the Township to facilitate the construction of the homes. In order for the Township to be able to transfer/convey these lots to “Habitat” (or another entity), the lots need to be created as they currently are part of the mother parcel (B-16,L-9). The creation of these 8 new lots plus the large “remaining lands” lot will be developed via a Preliminary & Final Major Subdivision Application that will be submitted by the Township to the Township LUB. We will continue to move forward with this project as it is my understanding that timing is somewhat critical based upon the terms of the Settlement Agreement with FSHC. I will be providing the Committee members with a sketch of the proposed lot layout for their information.
- I distributed a plan to the Committee at the April 2, 2018 meeting. A number of Beidelman Road residents were in attendance at the meeting. At the May 2, 2018 LUB meeting, many residents were in attendance regarding this matter. There has been communication between township professionals regarding the manner in which to “perfect” the subdivision and create the new lots. This procedure will be finalized soon and a courtesy presentation of the Plan may occur at the June 6, 2018 LUB meeting. There is an additional question which will also need to be resolved very soon and that is the total number of lots to be created by the Township in conjunction with this subdivision. 8 new lots are currently shown on the Plan. Our Mt. Laurel Settlement agreement only requires 6 lots on this property and therefore, there may be a reduction in the Plan to only create 6 new lots and a remainder versus 8 new lots and a remainder.
- At the May 7, 2018 Committee Meeting, a number of interested residents were in attendance to discuss this project. It was explained about the need to create these lots for future low and moderate income dwelling units. It was also determined that the Township would only proceed with the creation of 6 new building lots. Discussion ensued regarding the need to perform preliminary soils testing in an effort to confirm the viability of each of the proposed lots for the design and future construction of a septic system. Our office has been moving

forward with this investigation and is coordinating with the Township DPW regarding excavation for the soil logs. The logs were originally scheduled to be dug on Friday May 25, 2018. Soils testing did proceed at the site on June 7, 2018. I am pleased to report that satisfactory results were obtained for each of the proposed 6 building lots.

- Our office completed the development of the Final Subdivision Plan which was sent to the Twp. the week of July 24, 2018. The Plan was presented to the Land Use Board as a “courtesy”/Informal presentation at the Aug. 8, 2018 LUB meeting. The application received a “positive” review from the Board. Some minor improvement comments were made by various Board members which will be incorporated into the “Final” Subdivision Plan prior to its recordation.
- This matter was discussed at the November 5, 2018 Committee meeting where Attorney Benbrook advised the Committee that the MOU has been signed and executed. At this point, our office will proceed to make the few minor plan changes that were agreed upon in an effort to have the lots in a position to be recorded so that they can be conveyed to Habitat.
- Our office recently revised the Subdivision Plan to incorporate various comments and recommendations made by both Habitat and the Land Use Board (as referenced above). The revised plan was recently circulated within the Township for final review and comment. No further changes were provided. Additionally, I believe that Attorney Benbrook has forward the revised plan to Habitat and it was also found acceptable. The Township is now in a position to record same and look to convey the first lot to Habitat. Our office provided the Township with final prints at the April 1, 2019 Committee meeting.
- Our office recently received a phone call from Nevitt Duveneck, on behalf of Habitat for Humanity, inquiring regarding the proposed building lots. I answered all of Nevitt’s questions and provided him with some supporting information (plans, soils testing, etc). It appears that Habitat will soon be proceeding with the construction of the first home.

#### 7. Montana Road- Partial Roadway Failure:

- As recently discussed at the February and March, 2019 Committee meetings, there has been a failure (undermining) of a relatively small and isolated section (approximately 12 feet long by 2 feet wide) of the edge of Montana Rd. The area in question is presently protected by cones and orange construction fencing. We have reviewed the matter and have been coordinating the repair with the DPW. As presently “designed”, we believe that the DPW will be able to complete the work in question which would include a sleeved replacement pipe (new 18” HDPE inside an existing 24” CMP), a new storm sewer crossing (above the area of the roadway which has failed), and roadway reinforcement (potentially using Gabion baskets) of the roadway which would accommodate backfill and new paving along the edge of the road.
- This project was discussed at the April 1, 2019 TC meeting. The Committee authorized the DPW to proceed with the work in question It is my understanding that the DPW is acquiring all the necessary materials, including the Gabion Baskets, for this project. Our office is continuing to work with the DPW on this project and the potential coordination with the 2019 NJDOT Grant project for Montana Rd.
- The new drainage system has been recently completed. I would recommend to the Committee members to view the work that was done by the DPW on this project. A job well done by the DPW. Many thousands of dollars were saved by the Township in conjunction with this project primarily based on the fact that a contractor did not need to be hired for this “tricky” drainage and roadway repair work.

#### 8. 2020 NJDOT LOCAL AID APPLICATIONS

- Our office and the Township received a letter, dated May 13, 2019, from the NJDOT announcing the start of the 2020 Program. As we have discussed many times over the past years, the Municipal Aid Program has been very

beneficial to Franklin Township with hundreds of thousands of dollars being awarded over the past years.

- Applications were due to be submitted by July 19, 2019. We received your authorization to proceed and we have collectively decided that we feel the best application for submittal through the 2020 program would be Montana Road, Section 2.
- Our office has electronically filed grant application Montana Road, Section 2 prior to the July 19, 2019 deadline. The amount requested was \$175,000 which covers construction costs, construction inspection and pavement coring.
- Authorizing Resolutions for each application were previously forwarded to Denise. The Township Committee adopted the Resolution at the August 5, 2019 Committee meeting. Our office submitted the Resolution to the NJDOT in conjunction with our grant application.

**Jeannene Butler – absent**

**Mike Ferri** – Stewartsville Road needs some pot holes addressed that just can't wait for the water main project to be completed.

**Mike Toretta** – Nothing to report

**Mike Toretta** – Nothing to report

**Jeff DeAngelis, Mayor** – Mayor DeAngelis will be meeting with the mayor from Knowlton Township in reference to a summary of expense received. The Asbury Festival, that was held on township property, behind the Asbury Fire Station, will need to file an application with Eddy Patient and be officially approved by the township committee, for next year. The mayor met with a Frasier representative to possibly upgrade the municipal copier and a cost savings. A request was received from the Musconetcong Watershed Association to match a County donation for a roadside clean up. This has been tabled until next month.

**Open Space Commission – No one present.**

**Recycling** – Mayor addressed the MWA letter received above.

**OPEN PUBLIC SESSION** – Opened at 8:46 pm. On motion by Mike Ferri seconded by David Guth. Unanimous Vote.

Paul Figalora addressed the committee with his frustrations with the infestation of flies at his home off of Edison Road. This past weekend there must have been 100's of them. A scheduled visit at ISE Farms, is not a good idea, as this allows you to get your house in order. If it is not ISE maybe a local farmer might not be up to specification with their practices creating the fly issue. Attorney Benbrook informed the township has zero jurisdiction over ISE as a commercial farm. Advise he could file a complaint directly with the Warren County Ag Board.

Karen Chiu informed that the vending machines at the Franklin Township School do not get a percentage to have in the school. A problem in front of her home needs to be addressed with rain water runoff coming over the wall like a water fall. Engineer Finelli will follow up with this.

**CLOSE PUBLIC SESSION** - At this time public session was closed at approximately 9:11 pm. Unanimous Vote.

### **EXECUTIVE SESSION**

**BE IT RESOLVED**, on this 3rd day of September, 2019, 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

#### **Personnel – Shared Services**

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 3rd, day of September, 2019 by the Franklin Township Committee, that the matter stated will be discussed in executive session, said session to commence at 9:11 pm.

On Motion by Mike Ferri and seconded by David Guth to exit to executive session at 9:11 p.m. Unanimous Vote.

On motion by Mike Toretta and seconded Mike Ferri to return to the regular session at 9:28 p.m. Unanimous Vote.

A brief Executive Session discussion ensued, the mayor had a discussion with a neighboring township to pursue a Shared Service for one of our tenured positions. Consensus of the township committee to have the mayor continue to pursue.

### **Resolution 2019-60**

#### **Resolution 2019-60**

#### **RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL SERVICES-SPECIAL REDEVELOPMENT COUNSEL FOR FRANKLIN TOWNSHIP COMMITTEE**

**WHEREAS**, the Franklin Township Committee has a need to acquire a Special Redevelopment Counsel as a Non-Fair and Open Contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

**WHEREAS**, the Chief Financial Officer has determined and certified in writing that the value of the acquisition may exceed \$17, 500; and

**WHEREAS**, the anticipated term of this contract is 1 year; and

**WHEREAS**, Steven P. Gouin, Esq of Giordano, Halleran & Ciesla, P.C. has submitted a proposal indicating they will provide the Special Redevelopment Counsel for the Franklin Township Committee and,

**WHEREAS**, Steven P. Gouin, Esq of Giordano, Halleran & Ciesla, P.C. submitted a Business Entity Disclosure Certification which certified that Steven P. Gouin, Esq, has not made any reportable contributions to a political or candidate committee in the previous one year, and that the contract will prohibit Steven P. Gouin, Esq, from making any reportable contributions through the term of the contract, and

**WHEREAS**, the required certificate for the availability of funds has been filed by the chief financial officer providing that legally appropriated balances are available to cover the amount of the contract as required by N.J.A.C. 5:30-14.5 and that fees for the aforementioned special redevelopment counsel services shall be made available by appropriate inclusion in either an annual municipal budget which includes current, revenue sharing and utility provisions, by budget amendments for Federal program spending or by inclusion in an appropriate bond ordinance.

**NOW, THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Franklin authorizes the Mayor and Clerk of the Township of Franklin to enter into a contract with Steven P. Gouin, Esq, of Giordano, Halleran & Ciesla, P.C. as described herein as special redevelopment counsel on and in behalf of the Township of Franklin for 1 year; for the calendar year 2019 and,

**BE IT FURTHER RESOLVED** that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this Resolution; and

**BE IT FURTHER RESOLVED** that a notice of this action shall be printed once in a legally designated publication.

On Motion by Mike Ferri and seconded by David Guth to approve **Resolution 2019-60** be adopted as read.

<b>Roll Call Vote</b>	<b>Yes</b>	<b>No</b>	<b>Absent/Abstained</b>	
Jeannene Butler			X	
Michael Toretta	X			
Jeff DeAngelis	X			
Mike Ferri	X			
Dave Guth	X			
			(4) Yes (0) No (1) Absent	Motion Carried

**CERTIFICATION**

I, Denise L. Becton, Municipal Clerk of the Township of Franklin, Warren County, New Jersey is a true and correct copy of a Resolution approved by the Township Committee of the Township of Franklin at a regular meeting held on September 3, 2019.

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Denise L. Becton, Municipal Clerk  
Franklin Township  
Warren County, State of New Jersey

**MOTION FOR PAYMENT OF BILL LIST:**

On motion by Mike Ferri and seconded by Mike Toretta, hearing no objection, to pay the bills from the bill list provided by the Chief Financial Officer.

<b>Roll Call:</b>	<b>Yes</b>	<b>No</b>	<b>Absent/Abstained</b>	
Michael Toretta	X			
Jeannene Butler			X	
David Guth	X			
Mike Ferri	X			
Mayor, Jeff DeAngelis	X			
			(4) Yes (0) No (1) Absent	Motion carried

**MOTION FOR ADJOURNMENT:**

On motion by Mike Toretta and seconded by David Guth, hearing no objection, meeting stands adjourned at 9:30 pm.

<b>Roll Call:</b>	<b>Yes</b>	<b>No</b>	<b>Absent</b>	<b>Abstained</b>
Michael Toretta	X			
Jeannene Butler			X	
David Guth	X			
Mike Ferri	X			
Mayor, Jeff DeAngelis	X	(4) Yes (0) No (1) Absent		Motion carried

Respectfully submitted,

Denise L. Becton  
Municipal Clerk