

REGULAR MEETING

The Franklin Township Committee held their regular monthly meeting at 7:00 pm on Monday, September 12, 2011. 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.

Present were: Mayor Jeff DeAngelis, Bonnie Butler, Joe Flynn, Sarah Payne, Michael Toretta, Denise L. Cicerelle, Municipal Clerk, Michael Finelli, Municipal Engineer, Jim Onembo, Zoning Officer, Kevin Benbrook, Municipal Attorney, Sonny Read, OEM, Ronald Read, Road Foreman.

ROLL CALL OF COMMITTEE MEMBERS: **Butler, Yes; Flynn, Yes; Payne, Yes; Toretta, Yes; DeAngelis, Yes**

Following the flag salute the Regular Meeting Minutes of August 1st, 2011 were accepted on motion by Bonnie Butler, motion seconded by Michael Toretta, all in favor. Executive Session Meeting Minutes of August 1st, 2011 were accepted on motion by Sarah Payne, and seconded by Joe Flynn, all in favor.

REPORT/UPDATE:

NJSP –

Trooper present gave the following statistics for the month of August:

3 911 calls; 10 Alarms; 3 Fires, 7 Motor Vehicle Accidents; 133 Stops; 1 Burglar Invest; 2 Property Damage Disputes. Mayor DeAngelis asked patrols to be stepped up on Buttermilk Bridge Road, Millbrook Road and Mountain View Road West, speeding complaints due to the new paving of these roads.

SSP Architects-Jay Perantoni (Municipal Building Roof Replacement Project)

Mr. Perantoni updated committee as to the Roof Replacement Project. Project is 95% complete. Committeeman Flynn updated committee as to additional work to be done out of the scope of the roof contractor.

On motion by Joe Flynn and seconded by Bonnie Butler to authorize Breslin Masonry to do the mason work to repair the Rake at \$2500, Hummel Plumbing to do underground drains at \$3,600, Hodge Electric to repair roof vents not to exceed \$600, SSP Architects canopy services \$500 and Breslin Masonry to do exterior patching, \$9,887.50.

Roll Call Vote	Yes	No	Absent/Abstained
Bonnie Butler		X	
Sarah Payne		X	
Joe Flynn		X	
Michael Toretta	X		
Mayor Jeff DeAngelis		X	
(5) Yes (0) No Motion Carried			

INTRODUCTION/ADOPTION OF:

The following **Resolution 2011-80** was presented for Introduction/Adoption.

RESOLUTION NO. 2011-80

WHEREAS, a tax payment was made on Block 51.06 Lot 4 for the third quarter of 2011 by the property owner, and

WHEREAS, the third quarter taxes were paid by in excess of the amount due, and

WHEREAS, this payment has caused an overpayment on Block 51.06 Lot 4 and,

the property owner has requested a refund check

WHEREAS, be issued to him,

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Committee authorize the Tax Collector to refund the sum of \$ 575.88 to Vincent Sannazzaro, 27 Steeplechase Court, Asbury, NJ 08802.

On motion by Bonnie Butler and seconded by Sarah Payne the aforementioned Resolution 2011-80 be adopted as read.

Roll Call Vote	Yes	No	Absent/Abstained
Bonnie Butler	X		
Joe Flynn	X		
Michael Toretta	X		
Sarah Payne	X		
Mayor Jeff DeAngelis	X		
(5) Yes (0) No (0) Absent Motion carried			

Dated: September 12, 2011

CERTIFICATION

I, Denise L. Cicerelle, 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 12, 2011.

Denise L. Cicerelle, RMC/CMR

The following **Resolution 2011-81** was presented for Introduction/Adoption.

RESOLUTION NO. 2011-81

WHEREAS, the property owner of Block 54 Lot 27 appealed his 2010 property tax assessments to the Tax Court of New Jersey, and

WHEREAS, the Tax Court of New Jersey ruled in favor of the property owner and reduced his property tax assessment for 2010, and

WHEREAS, this reduction has caused an overpayment of taxes for 2010, and

WHEREAS, the property owner's attorney has requested that this overpayment be returned to the property owner and the attorney,

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Committee authorize the Tax Collector to refund property taxes for Block 54 Lot 27 in the amount of \$2061.00 to Brach Eichler and Asbury Graphite Mills Inc, c/o Brach Eichler, 101 Eisenhower Parkway, Roseland, NJ 07068.

On motion by Sarah Payne and seconded by Mike Toretta the aforementioned **Resolution 2011-81** be adopted as read.

Roll Call Vote	Yes	No	Absent/Abstained
Bonnie Butler	X		
Joe Flynn	X		
Michael Toretta	X		
Sarah Payne	X		
Mayor Jeff DeAngelis	X		
(5) Yes (0) No (0) Absent Motion carried			

Dated: September 12, 2011

CERTIFICATION

I, Denise L. Cicerelle, 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 12, 2011.

Denise L. Cicerelle, RMC/CMR

The following **Resolution 2011-82** was presented for Introduction/Adoption.

RESOLUTION 2011- 82

WHEREAS, the General Code of the Township of Franklin, Chapter 48, Article 1 and Article 2 Regulating the growth of Brush, Noxious Weeds and Grass, Etc. Authorizes the Department of Public Works to remove debris, brush and noxious growth after Providing the notice required by the ordinance; and

WHEREAS, the required notice was sent to the below properties by certified mail return receipt requested and regular mail; and

WHEREAS, ten days has elapsed since the notices were received; and

WHEREAS, the property owners failed to remove the debris, brush and noxious growth within ten days of their receipt of the notice; and

WHEREAS, the outside contractor, for Franklin Township, Warren County, NJ caused the debris, brush, and noxious growth to be removed; and

WHEREAS, the outside contractor, for Franklin Township, Warren County, NJ has certified to the Mayor and Committee the cost of the removal of the debris, brush and noxious growth.

THEREFORE, BE IT RESOLVED, BY THE MAYOR AND COMMITTEE OF THE TOWNSHIP OF FRANKLIN, AS FOLLOWS:

1. The certification of the costs of removal of the debris, brush and noxious growth has been examined and found to be correct.
2. The tax collector is hereby directed that the following costs shall be charged against the land and shall be added to and become part of the taxes next to be assessed and levied upon such land, to bear interest at the same rate as taxes, and shall be collected and enforced by the tax collector in the same manner as taxes:

<u>Property Address</u>	<u>Block</u>	<u>Lot</u>	<u>Property Owner</u>	<u>Cost</u>
29 Benjamin Drive	16	20.33	Michael & Diane D’Aries	\$260
45 Thatcher Avenue	35	5	Genaro B. Rodrigues	\$120
74 Good Springs Road	27	4.08	Michael & Constance Horn	\$155

On motion by Bonnie Butler and seconded by Mike Toretta the aforementioned **Resolution 2011- 82** be adopted as read.

Roll Call Vote	Yes	No	Absent/Abstained
Bonnie Butler	X		
Sarah Payne	X		
Joe Flynn	X		
Michael Toretta	X		
Mayor Jeff DeAngelis			X

(4) Yes (0) No (1) Abstained Motion Carried

Dated: September 12, 2011

Certification

I, Denise L. Cicerelle, Municipal Clerk of the Township of Franklin, do hereby certify that the foregoing resolution is a true and exact copy adopted by the Township Committee of the Township of Franklin on September 12, 2011.

Denise L. Cicerelle, RMC/CMR
Municipal Clerk

The following **Resolution 2011-83** was presented for Introduction/Adoption

RESOLUTION 2011-83

**For Renewing Membership in the Morris County Cooperative Pricing Council
AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE MORRIS COUNTY
COOPERATIVE PRICING COUNCIL TO RENEW MEMBERSHIP THEREIN FOR THE
PERIOD OF OCTOBER 1, 2011 THROUGH SEPTEMBER 30, 2016**

WHEREAS, the Morris County Cooperative Pricing Council (“MCCPC”) was created in 1974 to conduct a voluntary cooperative pricing system with municipalities, boards of educations, and other public bodies located in the County of Morris and adjoining counties; and

WHEREAS, the purpose of the MCCPC is to provide substantial savings on various goods and services to its members through the cooperative public bidding process; and

WHEREAS, Franklin Township, Warren County, NJ desires to enter into an Agreement with the MCCPC, which is administered by Randolph Township as Lead Agency to **renew** its membership in the MCCPC for the period of October 1, 2011 through September 30, 2016.

BE IT RESOLVED, by the Township of Franklin, County of Warren, State of New Jersey as follows:

1. The Mayor of the Township of Franklin, Warren County, NJ hereby authorizes the execution of an Agreement with the Morris County Cooperative Pricing Council by the Township of Randolph as Lead Agency dated October 1, 2011 pursuant to N.J.S.A. 40A:11-11(5). Said Agreement is for **renewal** of membership in the MCCPC for a five (5) year period from October 1, 2011 through September 30, 2016.
2. The Township of Franklin, Warren County, NJ, Municipal Clerk is hereby directed to submit a copy of this adopted Resolution, along with an executed Agreement, to Randolph Township as Lead Agency of the MCCPC.
3. This Resolution shall take effect immediately upon final passage according to law.
4. All appropriate Franklin Township, Warren County, NJ officials are authorized and directed to perform all required acts to affect the purpose of this Resolution.

On motion by Joe Flynn and seconded by Sarah Payne the aforementioned **Resolution 2011-83** adopted as read.

Roll Call Vote	Yes	No	Absent/Abstained
Bonnie Butler	X		
Sarah Payne	X		
Joe Flynn	X		
Michael Toretta	X		
Mayor Jeffrey DeAngelis	X		

(5) Yes (0) No (0) Absent Motion Carried

CERTIFICATION

I, Denise L. Cicerelle, Municipal Clerk of the Township of Franklin, do hereby certify that the foregoing resolution is a true and exact copy adopted by the Township Committee of the Township of Franklin at a duly convened meeting held on Monday, September 12, 2011.

Denise L. Cicerelle, RMC/CMR
Municipal Clerk

The following **Resolution 2011-84** was presented for Introduction/Adoption

RESOLUTION NO. 2011-84

WHEREAS, two tax payments were made on Block 16 Lot 13 for the third quarter 2011 by the property owner, and

WHEREAS, this payment has caused an overpayment on Block 16 Lot 13, and

WHEREAS, the property owner has requested a refund check be issued to him,

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Committee authorize the Tax Collector to refund the sum of \$ 3,148.49 to SJ & JL Robbins/SJ Grotenhuj, 429 Centre Street, Easton PA 18042.

On motion by Sarah Payne and seconded by Bonnie Butler the aforementioned **Resolution 2011-84** adopted as read.

Roll Call Vote	Yes	No	Absent/Abstained
Bonnie Butler	X		
Sarah Payne	X		
Joe Flynn	X		
Michael Toretta	X		
Mayor Jeffrey DeAngelis	X		

(5) Yes (0) No (0) Absent Motion Carried

CERTIFICATION

I, Denise L. Cicerelle, Municipal Clerk of the Township of Franklin, do hereby certify that the foregoing resolution is a true and exact copy adopted by the Township Committee of the Township of Franklin at a duly convened meeting held on Monday, September 12, 2011.

Denise L. Cicerelle, RMC/CMR
Municipal Clerk

The following **Resolution 2011-85** was presented for Introduction/Adoption

RESOLUTION #2011-85

RESOLUTION GRANTING APPROVAL OF AN AMENDMENT TO THE AUTHORIZATION TO PURCHASE THE DEVELOPMENT RIGHTS TO THE RONALD R. SIGLER AND SHIRLEY W. SIGLER PROPERTY

WHEREAS, the Township of Franklin (the "Township") previously approved acquisition of an easement for farmland preservation on property owned by Ronald R. Sigler and Shirley W. Sigler, known on the official tax map of Franklin Township as Block 45, Lot 46 (the "Property"), consisting of approximately 20.3 acres through Resolution #2009-78; and

WHEREAS, the Township had negotiated a purchase price of \$5,250 per acre for the development rights on the Property, the exact compensation to be determined by a final survey, and the Property was to include a 1-acre exception area around the existing residence that was to remain with the Property; and

WHEREAS, the site inspection prior to closing revealed nonagricultural uses on the Property that would conflict with the Deed of Easement; and

WHEREAS, the property owner has agreed to increase the size of the exception area from 1 acre to 4 acres in order to also encompass an area that includes the storage of commercial excavation equipment and materials, as well as an area of active and historical soil excavation; and

WHEREAS, an updated survey of the property will be required to set the approximate 4-acre exception area, which is estimated to cost \$1,905 based on a proposal obtained by the Township for the survey update, which will result in the increase of the total estimated soft costs to \$13,584; and

WHEREAS, the increase in the size of the exception area will reduce the Township's total contribution towards the purchase of the development rights based on the total acreage, the exact compensation to be determined by a final survey; and

WHEREAS, the updated net acreage is estimated to be 18.082 acres, calculated by subtracting the 4 acre non-severable exception area and the 0.647 acre right-of-way within 33 feet of the centerline to Mountain View Road from the total 22.759 acre lot, the total acreage subject to change in accordance with the final survey; and

WHEREAS, the Township is to receive funding from the State Agriculture Development Committee (the "SADC") and the Warren County Agricultural Development Board (the "CADB") in order to purchase the development rights on the Property; and

WHEREAS, the SADC's contribution through the Township Muni PIG program will remain at approximately \$3,525 per acre, the CADB's contribution through a grant will remain at approximately \$862.50 per acre; and

WHEREAS, the SADC shall continue to 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, which will be deducted from the Township Muni PIG appropriation subject to the availability of funds in the estimated amount of \$6,792;

WHEREAS, as long as the aforementioned grants are received, the Township will remain responsible for the remainder from the Franklin Township Open Space Trust, at \$862.50 per acre, for an approximate contribution of \$15,595.73 based on 18.082 acres plus \$6,792 in soft costs, for a total estimated contribution of \$22,387.73.

THEREFORE BE IT RESOLVED as follows:

1. The Township Committee hereby grants permission to amend the application on this farm to increase the exception area from 1 acre to approximately 4 acres to encompass the non-agricultural uses on the property;
2. The Township Committee hereby authorizes the update to the survey based on a proposal in the amount of \$1,905;
2. The Township Committee 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 Mike Toretta and seconded by Bonnie Butler the aforementioned **Resolution 2011-85** adopted as read.

Roll Call Vote	Yes	No	Absent/Abstained
Bonnie Butler	X		
Sarah Payne	X		
Joe Flynn	X		
Michael Toretta	X		
Mayor Jeffrey DeAngelis	X		

(5) Yes (0) No (0) Absent Motion Carried

CERTIFICATION

I, Denise L. Cicerelle, Municipal Clerk of the Township of Franklin, do hereby certify that the foregoing resolution is a true and exact copy adopted by the Township Committee of the Township of Franklin at a duly convened meeting held on Monday, September 12, 2011.

Denise L. Cicerelle, RMC/CMR
Municipal Clerk

Dated: September 12, 2011

The following **Resolution 2011-86** was presented for Introduction/Adoption

RESOLUTION NO. 2011-86

WHEREAS, US Bank-Coll Agt/SASS MUNI IV holds Tax Sale Certificate #0803 and has paid subsequent taxes on Block 34 Lot 1.12 and,

WHEREAS, the property owner has redeemed this lien,

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Committee authorize the Tax Collector to refund the sum of \$ 47,760.68 to US Bank-Coll Agt/SASS MUNI IV, 50 South 16th Street, Suite 1950, Philadelphia, PA 19102.

On motion by Bonnie Butler and seconded by Joe Flynn the aforementioned **Resolution 2011-86** adopted as read.

Roll Call Vote	Yes	No	Absent/Abstained
Bonnie Butler	X		
Sarah Payne	X		
Joe Flynn	X		
Michael Toretta	X		
Mayor Jeffrey DeAngelis	X		

(5) Yes (0) No (0) Absent Motion Carried

CERTIFICATION

I, Denise L. Cicerelle, Municipal Clerk of the Township of Franklin, do hereby certify that the foregoing resolution is a true and exact copy adopted by the Township Committee of the Township of Franklin at a duly convened meeting held on Monday, September 12, 2011.

Denise L. Cicerelle, RMC/CMR
Municipal Clerk

The following **Resolution 2011-87** was presented for Introduction/Adoption

RESOLUTION 2011-87

Approval to submit a Grant application and execute a grant agreement with the New Jersey Department of Transportation for the Good Springs Road Resurfacing Project.

Whereas, Franklin Township, Warren County, NJ has given Finelli Consulting Engineers the approval to submit this grant on behalf of the Township of Franklin,

Whereas, the committee of Franklin Township, Warren County, NJ formally approves the grant application for the above stated project,

Be It Further Resolved, the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as **MA2012-Franklin Township-00323** to the New Jersey Department of Transportation on behalf of Franklin Township, Warren County, NJ,

Now Therefore Be It Resolved, that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of Franklin Township, Warren County, NJ and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

On motion by Mike Toretta and seconded by Sarah Payne the aforementioned **Resolution 2011-87** be adopted as read.

Roll Call Vote	Yes	No	Absent/Abstained
Bonnie Butler	X		
Sarah Payne	X		
Joe Flynn	X		
Michael Toretta	X		
Mayor Jeff DeAngelis	X	(5) Yes (0) Absent	Motion Carried

Dated: September 12, 2011

CERTIFICATION

Certification: I, Denise L. Cicerelle, Municipal Clerk of the Township of Franklin, County of Warren, do hereby certify that the foregoing is a true and exact copy of the resolution adopted by the Franklin Township Committee on Monday, September 12, 2011.

Denise L. Cicerelle, RMC/CMR
Municipal Clerk

My signature and the Clerk’s seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

ATTEST and AFFIX SEAL:

(Denise L. Cicerelle)
Municipal Clerk

(Jeff DeAngelis) Presiding Officer
Mayor

The following **Resolution 2011-88** was presented for Introduction/Adoption

RESOLUTION 2011-88

Approval to submit a Grant application and execute a grant agreement with the New Jersey Department of Transportation for the Wolverton Road Resurfacing Project.

Whereas, Franklin Township, Warren County, NJ has given Finelli Consulting Engineers the approval to submit this grant on behalf of the Township of Franklin,

Whereas, the committee of Franklin Township, Warren County, NJ formally approves the grant application for the above stated project,

Be It Further Resolved, the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as **MA2012-Franklin Township-00324** to the New Jersey Department of Transportation on behalf of Franklin Township, Warren County, NJ,

Now Therefore Be It Resolved, that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of Franklin Township, Warren County, NJ and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

On motion by Bonnie Butler and seconded by Sarah Payne the aforementioned **Resolution 2011-88** be adopted as read.

Roll Call Vote	Yes	No	Absent/Abstained
Bonnie Butler	X		
Sarah Payne	X		
Joe Flynn	X		
Michael Toretta	X		
Mayor Jeff DeAngelis	X	(5) Yes	(0) No (0) Absent Motion Carried

Dated: September12, 2011

CERTIFICATION

Certification: I, Denise L. Cicerelle, Municipal Clerk of the Township of Franklin, County of Warren, do hereby certify that the foregoing is a true and exact copy of the resolution adopted by the Franklin Township Committee on Monday, September12, 2011.

Denise L. Cicerelle, RMC/CMR
Municipal Clerk

My signature and the Clerk’s seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

ATTEST and AFFIX SEAL:

(Denise L. Cicerelle)
Municipal Clerk

(Jeff DeAngelis) Presiding Officer
Mayor

The following **Ordinance 2011-7** was presented for Final Reading/Adoption *AS AMENDED*

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

ORDINANCE 2011-07

WHEREAS, the Township of Franklin, County of Warren, State of New Jersey, recognizes the growing trend of residential and commercial properties installing solar and wind structures to produce renewable energy;

WHEREAS, use of renewable energy is one way for a property to reduce its impact on the environment;

WHEREAS, in recognition of the above statements the New Jersey Legislature has recently amended the Municipal Land Use Law (N.J.S.A. 40:55D) to permit renewable energy facilities in industrial zones on site of 20 acres or larger;

WHEREAS, the Municipal Land Use Law, NJSA 40:55D-4 &7, was also amended by P.L. 2009 c. 146 to define inherently beneficial uses and to include solar, wind and photovoltaic energy generating facilities in the definition;

WHEREAS, “inherently beneficial use” means a use which is universally considered of value to the community because it fundamentally serves the public good and promotes the general welfare. Such a use includes, but is not limited to, a hospital, school, child care center, group home, or a wind, solar or photovoltaic energy facility or structure;

WHEREAS, P.L. 2009 c. 213, signed in to law on January 16, 2009, modifies several laws regarding alternative energy and preserved farms, commercial farms, right to farm, and farmland assessment.

WHEREAS, The Right to Farm Act has been amended to permit and protect up to 10 acres or 2 megawatts (2MW) maximum production of electricity on commercial farms which are not subject to farmland preservation provided the acreage of the electrical facility does not exceed a ratio of 1 acre of energy facility to 5 acres of agricultural land or approximately 17% of the farmland;

WHEREAS, P.L. 2009 c. 213, permits a maximum of 1% of the acreage of a preserved farm or 110% of the farm’s previous year’s energy demand, whichever is more, to be dedicated to alternative energy generation;

WHEREAS, Assembly, No. 3992 has been introduced on May 9, 2011 in an effort to revise standards for wind generation facilities on preserved farmland.

WHEREAS, P.L.2010, c. 4 exempts solar panels from impervious surface or impervious cover designations;

WHEREAS; grid-scale, multi-megawatt generating solar facilities are extremely consumptive of land and as such are competitors with agriculture for the use of prime agricultural soils;

WHEREAS, the useful life of solar panels is approximately twenty-five years; however, developers may require longer approval periods to install and make use of upgraded solar technology;

WHEREAS, alternative energy facilities create visual impacts on the landscape which may significantly change the character and aesthetic value of the surrounding area especially in historic, scenic, or hillside locations;

WHEREAS, a continuous visual screen consisting of evergreen and deciduous trees and shrubs and or earthen berms and fencing which will provide a visual barrier from the solar panels from adjacent properties and roadways is necessary to mitigate the negative visual impact of grid-scale solar facilities;

WHEREAS, site plan considerations may be so intertwined with the consideration of negative impacts arising from use variance applications for alternative energy facilities that the approving board cannot make accurate findings without simultaneous site plan review;

WHEREAS, the inherently beneficial status of alternative energy facilities does not exempt applicants from assessment of negative impacts and subsequent consideration of appropriate conditions for mitigation or from satisfying both positive and negative criteria when variance relief from N.J.S.A. 40:55D-70(c) or (d) is required;

WHEREAS, alternative energy generation from solar and wind will not substantially reduce our country’s dependence on foreign oil. In 2009, New Jersey received 55% of its electricity from nuclear power sources, 33% from natural gas power plants, 8% from coal fired plants and 0.4% from solar facilities;

NOW THEREFORE IT BE ORDAINED, by the Mayor and Committee of the Township of Franklin, County of Warren, State of New Jersey, that the Land Use Code of the Township of Franklin shall be amended as follows:

1. Section 90-3, entitled “Definitions” of Chapter 90 entitled, “Land Use and Development” of the Land Use Code of the Township of Franklin, as heretofore supplemented and amended, is hereby supplemented and amended to add the following:

DECOMMISSIONING PLAN – A written plan developed prior to the removal of any solar or wind energy facility which shall include a description of the methods for dismantling and removal of the energy facility and restoration of lands affected by the facility to its original state prior to the installation of the energy facility.

FARM SCALE RENEWABLE ENERGY FACILITY – A ground mounted renewable energy facility which is rated to generate no more than 2 megawatts (2 MW) of electricity and which constitutes an accessory use on agriculturally assessed land and which occupies no more than ten acres of total land area.

FARM MANAGEMENT UNIT – A parcel or parcels of land, whether contiguous or noncontiguous, together with agricultural or horticultural buildings, structures, and facilities, producing agricultural or horticultural products, and operating as a single enterprise.

GROUND MOUNTED SOLAR ARRAY – A solar energy system, as defined herein, that is mounted on armatures anchored to the ground with pervious ground cover beneath.

INDUSTRIAL – Of, relating to, concerning, or arising from the assembling, fabrication, finishing, manufacturing, packaging, or processing of goods.

LANDSCAPING SCREEN OR BUFFER – A grouping of trees, shrubs and/or other vegetation for the purpose of blocking the view of one property to another as would be required to provide privacy or mitigate undesirable views.

LARGE WIND ENERGY SYSTEM – A wind energy system that is not a small wind energy system.

MET TOWER – A meteorological tower used for gathering atmospheric information, such as wind speed and direction.

NOTICE OF ABANDONMENT – Correspondence issued by a Township Official, via certified mail with return receipt requested, to the owner of a facility after the facility has been unoccupied or out of service for twelve (12) months. Said correspondence shall outline the reason for which the facility has been deemed abandoned and all associated and/or required steps required to be taken by facility owner.

PHOTOVOLTAIC (PV) SYSTEM – A system which uses one or more solar panels and associated equipment to convert solar radiation into energy. Also referred to as a Solar Energy System.

Pennsylvania-New Jersey-Maryland Interconnection (PJM) – A Regional Transmission Organization (RTO) that manages the high-voltage electric grid and coordinates the movement of wholesale electricity in all or parts of 13 states and the District of Columbia.

PRESERVED FARM RENEWABLE ENERGY FACILITY – A ground mounted renewable energy generating facility which constitutes an accessory use on a preserved farm and which shall be permitted at a scale not to exceed 110% of the previous year’s energy demand for the farm management unit or 1% coverage of the total acreage of the farm management unit which ever is greater. In no case shall a facility be rated to generate more than 2 megawatts (2 MW) of electricity.

RESIDENTIAL SCALE RENEWABLE ENERGY FACILITY – A renewable energy facility which is rated to generate no more than 15 kilowatts (15 kW) of electricity, accomplished by ground or roof mounted energy facilities, and which constitutes an accessory use to a principal residential or commercial use.

ROOFTOP SOLAR ARRAY – A solar energy system, as defined herein, that is used to generate electricity.

RENEWABLE ENERGY FACILITY – A facility and all associated equipment, including access roadways & required buffers, that engages in the production of electric energy from solar technologies, photovoltaic technologies, or wind energy.

ROTOR DIAMETER – The cross sectional dimension of the circle swept by the rotating blades of a wind-powered energy generator.

SOLAR ENGERGY SYSTEM – A system including solar panels, and all necessary associated equipment, able and used to convert solar radiation into electrical power, heat water, produce hot air or other similar function.

SOLAR PANEL – a panel or plate, or a canopy or array thereof, that captures and converts solar radiation to produce power, and includes flat plate, focusing solar collectors, or photovoltaic solar cells and excludes the base or foundation of the panel, plate, canopy, or array.

SMALL WIND ENERGY SYSTEM – A wind energy system, as defined in this section, that is used to generate electricity, has a nameplate capacity of 20 kilowatts or less; and is as high as necessary to capture the wind energy resource at maximum of 150 feet in height

TOWNSHIP OFFICIAL – A Township employee, consultant or individual holding public office and/or having official duties as assigned by the Township, and authorized to represent the Township.

UTILITY SCALE RENEWABLE ENERGY FACILITY – A renewable energy facility which is rated to produce greater than 2 megawatts (2MW) of electricity and which constitutes a principal use on the property.

WIND ENERGY SYSTEM OR FACILITIES – A single, or series of, wind generator(s) and all associated equipment, including any base, blade, foundation, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries or other component necessary to fully utilize the wind generator.

WIND GENERATOR – Equipment or device that converts energy from the wind into electricity. This term includes the rotor, blades and associated mechanism.

WIND, SOLAR OR PHOTOVOLTAIC ENERGY FACILITY OR STRUCTURE – A facility or structure for the purpose of supplying electrical energy produced from wind, solar, or photovoltaic electrical energy produced from wind, solar or photovoltaic technologies, whether such a facility or structure is a principal use, a part of the principal use, or an accessory use or structure.

WIND TURBINE OR TOWER – Equipment that converts energy from the wind into electricity. This term includes the base, blade, foundation, nacelle, rotor, blades, tower, transformer, vane, wire, inverter, batteries and/or other components to store and/or transfer energy.

2. Attachment 10, entitled “Schedule of Use Regulations” of Chapter 90 entitled, “Land Use and Development” of the Land Use Code of the Township of Franklin, as heretofore supplemented and amended, is hereby supplemented and amended to add the following:

To include “Renewable Energy Facilities” as a Permitted Principal Use within the following districts:

- I – Industrial
- IP – Industrial Park

PD – Planned Development Option
C-1 – Village Commercial
C-2 – Township Commercial

To include “Renewable Energy Facilities” as a Permitted Accessory Use within the following districts:

I – Industrial
IP – Industrial Park
RC – Rural Conservation
R-75 – Village Residential
PD – Planned Development Option
C-1 – Village Commercial
C-2 – Township Commercial
HC – Highway Commercial
OB – Office Building

3. Section 90-54, entitled “General Regulations” of Chapter 90 entitled, “Land Use and Development” of the Land Use Code of the Township of Franklin, as heretofore supplemented and amended, is hereby supplemented and amended to add the following:

§90-54. General Regulations

I. Regulations for Renewable Energy Facilities

(1) Solar and Photovoltaic Facilities

- (a) General Requirements – The following general requirements shall apply to solar and photovoltaic facilities, regardless of whether they are accessory or permitted uses.

- [1] Systems shall be permitted to be ground mounted and mounted to principal and accessory structures and buildings. Systems mounted to the roof of a principal and/or accessory structure and/or building must be contained within the roof area of that structure and/or building.
- [2] The following standard shall apply when a proposal on a parcel or parcels exceeds a ratio of one to five (1:5), with one (1) representing the area upon which the facility is constructed and installed (including the aggregate area of multiple systems), and five (5) representing the area used for another purpose(s), or when the facility is constructed and installed on an area of ten (10) acres or greater (including the aggregate area of multiple systems), whichever is first applicable:
 - a. The facility shall be considered a principal use. Smaller facilities (pursuant to the above) shall be considered accessory uses.
- [3] Solar panels shall not be counted in the calculation of impervious cover, for stormwater calculation purposes, unless the area under the system (excluding the footings) consists of an impervious material, such as pavement. All other impervious surfaces associated with the solar energy system (i.e. concrete pads, access roadways, etc.) shall be considered as impervious for stormwater calculation purposes. The design of the systems shall comply with all Township stormwater, grading, and soil disturbance regulations and the applicant shall take appropriate measures to prevent a concentrated flow of runoff.
- [4] Ground mounted systems within an area less than one thousand (1,000) square feet (including the aggregate area of multiple systems) shall require a zoning permit only subject to demonstrated compliance with all other provisions of this Ordinance.
- [5] Ground mounted systems contained within an area greater than one thousand (1,000) square feet (including the aggregate area of multiple systems) up to ten (10) acres shall require minor site plan approval prior to obtaining a zoning permit. Systems greater than 10 acres in size shall require preliminary and final major site plan approval prior to obtaining a zoning permit.
- [6] Ground systems greater than one thousand (1,000) square feet shall provide one or more of the following beneath the solar panel structures: meadow grasses or agricultural area for crops or grazing farm animals.
- [7] Where the subject site consists of active agriculture, site disturbance including but not limited to, grading, soil removal, excavation, and soil compaction, including beneath a ground mounted system, shall be minimized to the extent practical so that the subject site can subsequently return to active agricultural production after the useful life and removal of the solar energy facility.
- [8] Installation of the solar panel structures shall to the extent practical be accomplished without the use of footings, concrete, or other impervious surfaces.

- [9] Roadways within the site shall not be constructed of impervious materials and shall be designed to minimize the extent of roadways constructed and associated soil compaction. Roadways shall be designed to accommodate appropriate fire fighting equipment, including areas for parking and turnaround of vehicles as well as adequate clearance between solar structures to permit the opening of doors and equipment.
- [10] Wooded sites may not be clear cut to construct renewable energy facilities.
- [11] Applicants are encouraged to enter into solar easements with neighboring property owners in order to ensure continuing access to sunlight for a solar or photovoltaic system.
- [12] All electrical and control equipment shall be labeled and secured to prevent unauthorized access in accordance with the National Electric Code (NEC) and State Solar Regulations.
- [13] All solar and photovoltaic facilities shall provide a Knox Box, or approved equal, to allow twenty-four (24) hour access to the facility for emergency service personnel.
- [14] Prior to a solar or photovoltaic facility being energized, the owner shall offer safety training for emergency service personnel. This shall include instruction and documentation on fire fighting considerations, potential hazards from burning panels and any other special considerations associated with the facility.
- [15] Other than during initial construction of the facility, solar panels shall not be stored in open areas or on the ground. All broken panels shall be removed from the site immediately upon replacement and disposed of in accordance with standard industry practice and any applicable law(s). Should storage of new replacement panels be required on-site, such panels shall be stored within a permanent building or structure.
- [16] In addition to those items required for an application to be deemed complete, a site plan application shall also provide the following:
- a. Location of proposed and existing underground or overhead utility or transmission lines.
 - b. Location of any proposed or existing substation, inverter or transformer.
 - c. Description of any necessary upgrades or modifications to existing substations or the necessity for a new substation.
 - d. Description of how the energy generated by the facility will be connected to the electrical distribution or transmission system or the electrical system of the intended energy user.
 - e. For Utility Scale Renewable Energy Facilities rated to produce greater than two (2) megawatts (2MW), the following shall be provided:
 - i. Plans, details and specifications, as may be necessary, to adequately depict all improvements and upgrades associated with interconnection into the existing offsite electrical infrastructure.
 - ii. Documentation detailing the available capacity of the existing electric infrastructure in the region and the amount of that capacity to be allocated for the proposed energy facility.
 - iii. An interconnection agreement with PJM and all other applicable regulatory agencies.
 - f. Location of existing hedgerows and vegetated windbreaks. Trees within this area that have a caliper of six (6) inches diameter breast height (dbh) or greater shall also be identified by species and overall condition.
 - g. A decommissioning plan and estimate.
- [17] Abandonment.
- a. A solar energy system that is out-of-service for a continuous twelve (12) month period will be deemed to have been abandoned.
 - b. The Township may issue a Notice of Abandonment to the owner of a solar energy system that is deemed to have been abandoned. The notice shall be sent return receipt requested.
 - c. The Owner shall have the right to respond to the Notice of Abandonment within thirty (30) days from Notice receipt date.
 - d. If the owner provides information that demonstrates the solar energy system has not been abandoned to the reasonable satisfaction of the Township, the Township shall withdraw the Notice of Abandonment and notify the owner that the Notice has been withdrawn.
 - e. If the designated Township Official determines that the solar energy system has been abandoned, the Owner of the solar energy system shall remove the solar energy system and properly dispose of the components at the Owner's sole expense within 6 months after the Owner receives the Notice of Abandonment.
 - f. In the event that the owner fails to remove the solar energy system, the Township and/or its employees and/or contractors have the right, but not the obligation to, enter the property to remove the solar energy system and, in the event that the Township performs the removal, all costs and expenses of such removal shall be reimbursed to the Township by the owner. In the event the owner fails to reimburse the Township, the Township may place a lien on the property in the

amount of the costs and expenses of said removal and, in the event that the Township incurs any additional costs and expenses in enforcing the lien and/or collecting the money owed, the owner shall be obligated to reimburse the Township for the additional costs and expenses, including reasonable attorneys fees.

(b) Principal Use Requirements. The following requirements shall apply to, and be bulk requirements for, solar and photovoltaic facilities where they are permitted principal uses.

- [1] Minimum lot size shall be ten (10) contiguous acres.
- [2] No more than seventy-five (75) percent of the lot shall be covered by the renewable energy facility.
- [3] The following setbacks shall apply to ground mounted systems:
 - a. Front Yard: one hundred (100) feet.
 - b. Side Yard: fifty (50) feet.
 - c. Rear Yard: fifty (50) feet.
 - d. Inverter pads, switch gear, and related appurtenances shall be setback a minimum of one hundred fifty (150) feet from a property line.
- [4] The following minimum screening requirements shall be met. However, notwithstanding the minimum requirements, the applicant shall demonstrate, to the satisfaction of the approving Board, that the proposed screening provides a year round visual screen of the facility from neighboring residential properties. Additional screening may be needed to meet this requirement or the design and location of the solar facility shall be revised to mitigate the visual impact upon the neighboring residential properties.
 - a. The proposal shall comply with the Landscaping Screen Requirements as established by the Land Use and Development Ordinance, with the following additions:
 - i. Required perimeter security fencing shall have a minimum height of six(6) feet. Such fencing shall be provided inside of, and screened by, any required landscaping screens.
 - ii. Where the proposed facility is located on lands higher in elevation than surrounding properties, berms shall be used in conjunction with landscape screening to offer a more effective visual buffer. Berms shall not be constructed at slopes greater than three (3) horizontal to one (1) vertical (3:1)
 - iii. Landscaping Screens shall have a minimum width of thirty-five (35) feet except when abutting a residential use, or found to be necessary by the Board, a fifty (50) foot width shall be required.
 - iv. Landscaping shall consist of dense masses and groupings of trees in accordance with Section 90-64.2B(6). No less than seventy-five percent (75%) of the buffer length shall be evergreen trees.
 - v. More stringent landscaping screening requirements may be required by the Land Use Board as deemed necessary to mitigate visual impacts of the proposed energy facility.
 - b. Existing hedgerows or vegetated windbreaks that provide screening of the proposed facility from neighboring properties shall be retained and augmented unless otherwise directed by the approving Board.
- [5] All landscaping, as installed, shall conform to and be in accordance with the site plan approved and/or signed by the Board. Prior to the issuance of a permanent certificate of occupancy, completion or compliance (whichever is applicable) and prior to the release of any performance guarantee, the landscaping shall be installed and a two (2) year maintenance guarantee in a form acceptable to the Township Attorney and in an amount acceptable to the Board Engineer and Planner, shall be posted with the Township. If the applicant applies for a certificate of occupancy during a season not appropriate for planting, the applicant may obtain a temporary certificate of occupancy without installation of the approved landscaping but if and only if the applicant posts a performance guarantee in a form acceptable to the Township Attorney and in an amount acceptable to the Township Engineer guaranteeing installation of the landscaping during the next planting season and further guaranteeing the subsequent posting of a two (2) year maintenance guarantee. The applicant shall have a continuing obligation to maintain all landscaping for its intended purpose (i.e., for screening if planted for buffering purposes or for aesthetics if planted for enhancement purposes), which shall include but not be limited to repairing and/or replanting to the satisfaction of the Township Planning / Engineering Department any and all landscaping that becomes damaged and/or dies. (This continuing maintenance obligation is in addition to, and notwithstanding, the fact that a maintenance guarantee may or may not be required in any particular application.) In the event that Township Zoning Officer determines that utilization of an outside expert (e.g. Board landscape architectural expert) is necessary to fulfill the intent of this section, all costs and expenses of such outside experts shall be reimbursed to the Township by the applicant.

[6] Applicant shall submit an affidavit agreeing that any approval for a solar energy facility shall be subject to site plan approval for any necessary new substations or modifications to existing substations.

(c) Accessory Use Requirements. The following requirements shall apply to solar and photovoltaic facility accessory uses.

[1] Ground systems which do not exceed 1,000 square feet (including the aggregate area of multiple systems, and other accessory structures and/or buildings) and shall meet the side and rear yard setback standards for accessory structures for the zone in which the structure is located.

[2] Ground systems shall not be located between a building line and a public street (i.e. ground systems shall not be located in a front yard).

[3] The gross area of ground mounted systems, including the aggregate area of multiple systems, which are greater than 1,000 square feet (including the aggregate area of multiple systems) shall meet the following screening requirements.

- a. A solid screen of plantings and/or a fence shall be provided along property lines shared with a residential zone district and rights-of-way.
- b. The minimum height of the screening shall be five feet.
- c. Existing vegetation shall be retained to the extent practical and may be incorporated or used as screening as approved by the Land Use Board.

(d) Residential Scale Renewable Energy Facilities.

[1] Facility components shall be permitted to be mounted to principal and accessory structures and buildings or ground mounted. If ground mounted, the maximum permitted height shall be eight (8) feet.

[2] A zoning permit must be issued for all systems. Ground systems which do not exceed 1,000 square feet (including the aggregate area of multiple systems, and other accessory structures and/or buildings) shall meet the side and rear yard setback standards for accessory structures for the zone in which the structure is located.

[3] Facility components shall be mounted parallel to the roof of the supporting structure and shall not protrude above twelve (12) inches from the roof or past the edge of any roofline.

(e) Farm Scale Renewable Energy Facilities, Solar.

[1] Ground-mounted systems which are rated to generate 15 kilowatts (15 kW) of electricity or greater shall require site plan approval prior to obtaining a zoning permit. Systems covering greater than 10 acres are prohibited.

[2] On non-preserved, agriculturally-assessed farms, ground-mounted facilities shall be permitted on a farm management unit at a ratio of 1 acre devoted to the solar facility to 5 acres devoted to agriculture (approximately 17%) up to a maximum of ten (10) acres coverage. This area shall be calculated including required roadways and buffers. In no case shall a facility be rated to generate more than 2 megawatts (2MW) of electricity.

[3] Ground-mounted farm scale facilities which are to be located as accessory uses on an agriculturally-assessed farms or preserved farms shall be placed as far from public rights of way and viewsheds in the most visually remote areas as practical.

[4] All farm scale solar energy facilities shall comply with the State Agricultural Development Committee (SADC) agricultural management practice for solar energy generation. The SADC has established an agricultural management practice (AMP), or standards, which commercial farms must meet to be eligible for right-to-farm protection for the on-farm generation of solar energy.

[5] The energy facility location should avoid prime soils.

(2) Wind Energy Facilities

(a) General Requirements. The following general requirements shall apply to all wind facilities.

[1] All wind energy systems shall be considered accessory uses in all Township Districts.

[2] System height shall be defined as the height above grade of the tower plus the wind generator.

[3] Tower height shall be defined as the height above grade of the fixed portion of the tower, excluding the wind generator.

- [4] Any tower shall be setback a distance equal to one hundred fifty percent (150%) of the tower's height from any public right-of-way, any property line and any principal building.
 - [5] All inverters shall be set back a distance equal to one hundred fifty (150) feet from any public right-of-way or property line.
 - [6] All electrical and control equipment shall be labeled and secured to prevent unauthorized access in accordance with the National Electric Code (NEC) and State Regulations.
 - [7] The tower shall be designed and installed so as not to provide step bolts, a ladder, or other publicly accessible means of climbing the tower, for a minimum height of eight feet above the ground.
 - [8] Small wind energy systems that connect to the electric utility shall comply with the New Jersey's Net Metering and Interconnection Standards for Class I Renewable Energy Systems at N.J.A.C. 14:4-9 or updates or replacements thereof.
 - [9] A Met tower shall be permitted under the same standards, permit requirements, restoration requirements and permit procedures as a small wind energy system.
 - [10] A permit issued pursuant to this ordinance shall expire if the wind energy system is out of service or otherwise unused for a continuous 12-month period.
 - [11] A wind energy system shall not be artificially illuminated unless such lighting is required by the Federal Aviation Administration. If required, appropriate documentation shall be provided to the Township.
 - [12] Applicant shall submit an affidavit agreeing that any approval for a wind energy facility shall be subject to site plan approval for any necessary new substations or modifications to existing substations.
 - [13] No wind tower on a residential property shall be located between a building line and a public street.
 - [14] In addition to those items required for an application to be deemed complete, a site plan application shall depict the following:
 - a. Location of proposed and existing overhead or underground utility or transmission lines;
 - b. Location of any proposed substation or transformer; and
 - c. Description of any necessary upgrades or modifications to existing substations or the necessity for a new substation.
 - d. Description of how the energy generated by the facility will be connected to the electrical distribution or transmission system or the electrical system of the intended energy user.
 - e. For projects over 2MW, the location and elevations of all transmission lines, support structures and attachments to a substation(s).
 - [15] Abandonment.
 - a. A wind energy system that is out-of-service for a continuous 12 -month period will be deemed to have been abandoned.
 - b. The Township may issue a Notice of Abandonment to the owner of a wind energy system that is deemed to have been abandoned. The notice shall be sent return receipt requested.
 - c. The Owner shall have the right to respond to the Notice of Abandonment within 30 days from Notice receipt date.
 - d. If the owner provides information that demonstrates the wind energy system has not been abandoned, the Township shall withdraw the Notice of Abandonment and notify the owner that the Notice has been withdrawn.
 - e. If the designated Township Official determines that the wind energy system has been abandoned, the Owner of the wind energy system shall remove the tower and wind generator from the tower at the Owner's sole expense within 6 months after the Owner receives the Notice of Abandonment.
 - f. In the event that the applicant fails to remove the wind energy system, the Township and/or its employees and/or contractors may enter the property to remove the wind energy system (but shall not be obligated to remove same) and, in the event that the Township performs the removal, all costs and expenses of such removal shall be reimbursed to the Township by the applicant. In the event the applicant fails to reimburse the Township, the Township may place a lien on the property in the amount of the costs and expenses of said removal and, in the event that the Township incurs any additional costs and expenses in enforcing the lien and/or collecting the money owed, the applicant shall be obligated to reimburse the Township for the additional costs and expenses, including reasonable attorneys fees.
- (b) Large Use Requirements. The following requirements shall apply to, and be bulk requirements for, wind facilities where they are permitted principal uses.

- [1] The minimum lot size shall be 20 contiguous acres.
 - [2] Unless otherwise stated, all buildings and structures shall comply with the standards of the zone district.
 - [3] One (1) wind tower shall be permitted per twenty (20) contiguous acres or fraction thereof.
 - [4] A wind tower for shall be set back a minimum distance of 150% of the system height.
 - [5] Substations, inverters and/or other facilities accessory to a wind energy facility shall be setback a minimum of 150 feet from a property line.
 - [6] No portion of the wind generator shall extend into any public road right-of-way.
- (c) Small Use Requirements. The following requirements shall apply to wind facilities where they are accessory uses.
- [1] Wind facilities as an accessory use shall be limited to one monopole.
 - [2] No wind tower shall be located on a property which is less than five (5) acres.
 - [3] No portion of the wind generator shall extend into any public road right of way.
 - [4] A small wind energy system shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration.

On motion by Committeeperson Sarah Payne and seconded by Committeeperson Michael Toretta the aforementioned **Ordinance 2011-7** be adopted at first reading on Monday, August 1, 2011. Final reading and adoption on Monday, **September 12th, 2011 at 7:00 p.m.**

Roll Call Vote	Yes	No	Absent/Abstain
Bonnie Butler			X
Joe Flynn	X		
Sarah Payne	X		
Michael Toretta	X		
Mayor Jeffrey DeAngelis	X	(4) Yes (0) No	(1) Abstained Motion Carried

Dated: August 1, 2011

On motion by Committeeperson Bonnie Butler and seconded by Committeeperson Sarah Payne the aforementioned **Ordinance 2011-7** be adopted at final reading AS AMENDED.

Roll Call Vote	Yes	No	Absent/Abstain
Bonnie Butler	X		
Joe Flynn	X		
Sarah Payne	X		
Michael Toretta	X		
Jeffrey DeAngelis	X	(5) Yes (0) No	(0) Absent Motion carried

CERTIFICATION

I, Denise L. Cicerelle, Registered Municipal Clerk of the Township of Franklin, County of Warren, State of New Jersey, do hereby certify that this a true and correct copy of an Ordinance introduced by the Township Committee of the Township of Franklin at their regular meeting held on Monday, August 1st, 2011. Second reading, public hearing will be held on Monday, September 12th, 2011 at or near 7:00 PM in the Franklin Township Municipal Building, 2093 Rt. 57, Broadway, New Jersey.

Denise L. Cicerelle, RMC/CMR

MOTION: To open Public Hearing for Ordinance 2011-7 by Bonnie Butler, seconded by Joe Flynn.

Roll Call Vote		Yes	No	Absent/Abstained
Bonnie Butler		X		
Sarah Payne	X			
Joe Flynn		X		
Michael Toretta		X		
Jeffrey DeAngelis, Mayor		X		
(5) Yes (0) No (0) Absent Motion Carried				

PUBLIC COMMENTS: Bonnie Colaluce questioned what exactly this ordinance was for. Marlene Oberly commented as to who is responsible to remove if property was abandoned as fines addressed in the ordinance

MOTION: To close Public Hearing by Joe Flynn, seconded by Mike Toretta.

Roll Call Vote	Yes	No	Absent/Abstained
Bonnie Butler		X	
Sarah Payne		X	
Joe Flynn		X	
Michael Toretta	X		
Jeffrey DeAngelis, Mayor		X	
(5) Yes (0) No (0) Absent Motion Carried			

Mayor DeAngelis addressed the committee as to any questions or concerns as well with this ordinance. Various questions were addressed as well as an update that was given by Engineer Finelli. A question as to lot coverage increase and grammatical errors were noted prior to adoption of this ordinance.

The within **Ordinance 2011-7** was moved by Bonnie Butler and seconded by Sarah Payne and upon roll call vote was adopted **AS AMENDED**.

Roll Call Vote	Yes	No	Absent/Abstained
Bonnie Butler		X	
Mike Toretta		X	
Joe Flynn		X	
Sarah Payne		X	
Jeffrey DeAngelis, Mayor		X	
(5) Yes (0) No (0) Absent Motion Carried			

Dated: February 7, 2011

FIRST READING/INTRODUCTION OF:

The following Ordinance 2011-8 Amendment to Renewable Energy Ordinance/Accessory Structures was presented for First Reading/Introduction:

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

ORDINANCE 2011-8

WHEREAS, the Township of Franklin, County of Warren, State of New Jersey, recognizes the growing trend of residential and commercial properties installing solar and wind structures to produce renewable energy;

WHEREAS, the Township of Franklin, County of Warren, State of New Jersey, recognizes that there are ambiguities associated with parts of the existing Ordinance and that problems arising from these ambiguities will only be perpetuated by the inclusion of Renewable Energy regulations into the Ordinance;

WHEREAS, the Township of Franklin, County of Warren, State of New Jersey, constantly strives to improve the clarity and consistency of their Codified Ordinances;

NOW THEREFORE IT BE ORDAINED, by the Mayor and Committee of the Township of Franklin, County of Warren, State of New Jersey, that the Land Use Code of the Township of Franklin shall be amended as follows (deletions are shown as thus and additions are shown as thus):

4. Section 90-56, entitled "District Regulations," of the Land Use Code of the Township of Franklin as heretofore supplemented and amended, is hereby supplemented and amended to add the following:

C.

(2) Accessory buildings and structures in residential districts.

(a) An accessory building or structure in a residential district shall not be located in any required front yard.

(b) Accessory buildings and/or structures in residential districts shall conform to the following requirements:

[1] Lots less than or equal to six acres shall not be occupied by any accessory building or structure in excess of one story or 18 feet in height. Accessory buildings or structures shall not occupy a total ground area of more than 800 square feet or an area equal to 30% of the required rear yard, whichever is less. Where accessory structures consist of Solar Energy System(s), this area may be increased to 1,000 square feet consisting of no more than 800 square feet of non-solar energy system facilities.

(c) In residential districts, the minimum distance of any accessory building and/or structure to any property line shall conform to the following requirements:

On motion by Committeeperson Sarah Payne and seconded by Committeeperson Joe Flynn the aforementioned **Ordinance 2011-8** be adopted at first reading on Monday, September 12, 2011. Final reading and adoption on Monday, October 3rd, 2011 at 7:00 p.m.

Roll Call Vote	Yes	No	Absent/Abstained
Bonnie Butler	X		
Joe Flynn	X		
Sarah Payne	X		
Michael Toretta	X		
Mayor Jeffrey DeAngelis	X	(5) Yes (0) No (0) Abstained	Motion Carried

Dated: September 12, 2011

CERTIFICATION

I, Denise L. Cicerelle, Registered Municipal Clerk of the Township of Franklin, County of Warren, State of New Jersey, do hereby certify that this a true and correct copy of an Ordinance introduced by the Township Committee of the Township of Franklin at their regular meeting held on Monday, September 12, 2011. Second reading, public hearing will be held on Monday, October 3rd, 2011 at or near 7:00 PM in the Franklin Township Municipal Building, 2093 Rt. 57, Broadway, New Jersey.

Denise L. Cicerelle, RMC/CMR

DISCUSSIONS/APPROVALS

Best Practices Inventory Checklist

This year the checklist is filled out and emailed to the Division of Local Government Services of the Department of Community Affairs. After completing the worksheet and submitting to the Division we scored an 88%, noting 44 questions were answered yes or not applicable, and a loss of 0% of total aid.

On motion by Committeeperson Jeff DeAngelis and seconded by Committeeperson Joe Flynn the township committee has reviewed the completed Best Practice Inventory at this public meeting.

Roll Call Vote	Yes	No	Absent/Abstained
Bonnie Butler	X		
Joe Flynn	X		
Sarah Payne	X		
Michael Toretta	X		
Mayor Jeffrey DeAngelis	X	(5) Yes (0) No (0) Abstained	Motion Carried

50/50 Cash Raffle (2011-10 Franklin Twsp. Youth Association, various dates)

On motion by Sarah Payne and seconded by Mike Toretta to approve the Raffle

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

New Village Rec. Field (Appraisal Proposals for 22 & 24 Third Street, Block 35 Lots 1 and 1.01)

On motion by Bonnie Butler and seconded by Mike Toretta to accept the proposal from Goldberg first at \$1825 and Mackoff at \$2000 if needed.

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

Robert Santini (Title Company and Surveyor Proposals for Block 34 Lots 10 and 11)

On motion by Bonnie Butler and seconded by Sarah Payne to approve Landmark for Appraisal \$2550, Title Lines for Title \$684.25, Survey Brill \$10,800.

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

PNC Bank purchased BAN at a 1.84% interest rate (total Principal amount \$735,000; mature date of February 21, 2012)

In order to meet reporting requirements of the Local Bond Law, the Certificate of Determination and Award was submitted to the Mayor and Township Committee at this meeting following the delivery of the Note.

Third Street

Mayor DeAngelis, committee and township attorney addressed this matter and the best way to handle this water problem. We are no further today than 6 months ago, multiple roads, traffic and business are being affected with this water situation. Meetings to sit down with Mr. Chiu keep getting changed and the water issue is still there. A special meeting will be held Monday, September 19th at 7:00 pm, Eminent Domain is a possible action.

Stewartsville Road (Sinkhole) Emergency Repair

The large sinkhole has been repaired and the road is now open. Kudos to the Department of Public Works, our OEM and contractor KDP. The invoice and paperwork will be submitted for payment and filing per Engineer Finelli.

REPORTS/UPDATES

OEM

Sonny Read reported a total of 165 hours for Hurricane Irene and 143 hours for Tropical Storm Lee for a total of 308 hours for the OEM. A total of 204 calls in the past 2 weeks that were storm related. The township was placed in the State of Emergency for both storms. Two residences were declared destroyed and several other residences with major damage.

The Greenwich Shop Rite donating 76 cases of water that our OEM personally delivered to those residents without water and electric. Mr. Read concerned that the Broadway soccer field was still being used after the flood. Committeeman Flynn advised that Chris Carter is to be notified to shut down the fields.

Roger Bulava – Recycling Coordinator

Not present

Jim Onembo – Code Enforcement/Zoning

Mr. Onembo updated committee as to a catch basin mowing issue over in Valley Greene Estates, appears to be a private property dispute with the homeowners association. The Daughters of the American Revolution wish to restore a building and update the roof, asking if DPW can dispose of some materials. The new owner of Larry's Barber Shop residents wants to open a Deer Processing business, he was advised by the Health Department that they do not oversee these type of facilities.

OPEN SPACE:

Bob Hood was here earlier, but had to leave without any further report.

FRANKLIN TOWNSHIP YOUTH ASSOCIATION:

Soccer season started last weekend as well as Field Hockey. Checking with the banquet hall for the Asbury Fire House to make sure there are no conflicts with parking for any rentals vs. soccer games. Notices to parents went out to obey the speed limit and parking restrictions at the field as well. Garbage at the field is becoming a problem, the bags are left out until the DPW can pick them up and animals are ripping the bags open strewing garbage on the fields. Need to find a better system to alleviate this problem.

ENGINEER –

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. Our office 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. As per the most recent correspondence from the NJDEP regarding the Flood Control Grant Agreement, the maximum grant amount for the project is \$200,000.
- Nevitt Duveneck and I previously met with Mayor Blaszk to review a number of current Municipal projects including this project. It is our understanding that Mayor Blaszk will be following up on this matter in an effort to meet with Mr. Chiu to discuss acquiring the necessary parcel of property to allow this project to move forward.
- Mayor Blaszk met with Mr. Chiu and had a fruitful discussion regarding the project. It appears Mr. Chiu is not interested in selling the canal bed however he would be receptive to granting a drainage easement on the canal.

- On April 23, 2010, Mayor Blaszk and Nevitt Duveneck met at the canal at the Thatcher Avenue crossing and performed a site inspection of the existing conditions and reviewed the limits of the proposed improvements. The Mayor will now continue his negotiations with Mr. Chiu to secure a drainage easement which will allow for the construction and maintenance, if necessary, while putting us in a position to move forward with the design work for the project.
- Our office has performed the necessary deed research for the affected parcels in conjunction with the preparation of a drainage easement along the canal associated with the proposed stormwater management improvements. Our intention is to field-stake the proposed limits of the easement in an effort to provide Mr. Chiu with a visual perspective of the area in question which should allow for his execution of the drainage easement.
- Mayor Blaszk has received authorization from Mr. Chiu regarding the field work required by our office to perform the stake-out of the easement area. A meeting held on October 28, 2010 to review the limits of the proposed easement with Mayor Blaszk, Nevitt and Mr. Chiu. The meeting was very successful and it appears that Mr. Chiu is in general agreement with the project and will be cooperative with the Township regarding the securing and acquisition of this easement area.
- It is our understanding that the Committee has requested that a drainage easement agreement be executed by Mr. Chiu before authorizing our office to begin the survey and design work for the project. Once an agreement has been signed, we would look to the Committee for authorization to commence with the design work associated with the project.
- Our office has prepared two (2) drainage easement maps for both the Chiu and Demasi properties. The Demasi easement would allow for the construction of an outlet storm sewer pipe which would convey the stormwater flows routed through the proposed outlet structure which will be constructed within the canal prism.
- Attorney Benbrook has prepared the necessary preliminary drainage easement language to be executed with each property owner. Attorney Benbrook's office, via correspondence dated March 2, 2011, has forwarded the deed of easement and supporting plans to both Mr. Demasi and Mr. Chiu for their hopeful execution.
- It is our understanding that Mark Blaszk and Jeff DeAngelis are presently in the process of coordinating the easement agreements with Mr. Chiu. Kevin Benbrook has also been coordinating directly with Mr. Demasi. Once these easements are secured, the project will be in a position to go to design and then construction.
- Via separate and direct correspondence from Attorney Benbrook, the Township Committee has been updated on the status of the negotiations with both Mr. Chiu and Mr. Demasi relative to their hopeful agreement to provide the Township with the necessary drainage easements required for this project.

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.
- 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 previously developed and submitted (August, 2009) the grant application.
- Our office received a copy of an Agreement from the NJDEP on October 28, 2009 which has been executed by the Township in conjunction with the \$10,000 grant referenced above. The grant agreement was signed and executed by the Mayor 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 previously submitted Township WMP mapping and some other supporting information to the NJDEP in an effort to allow the grant monies to be released by the State. We secured Mayor Blaszk's signature on the grant agreement form and submitted same to the NJDEP for purposes of securing the grant monies in order for the Township to be reimbursed for the expenses incurred to date. It is my understanding that the Township has received approximately \$6,500 of the grant funds available towards this project. I have recently been speaking with Theresa Botini, NJDEP Grant representative, and Dawn Stanchina, regarding additional reimbursements that are due the Township for this project. We previously forwarded additional documentation to Ms. Botini for the Township to secure any additional monies which are available through this grant and have been coordinating with Dawn Stanchina, CFO, regarding same.
- On Wednesday, April 6, 2011, our office attended a public meeting on the Department's "Proposed Draft Sewer Service Area Map in Warren County," held at the Pohatcong Township Municipal Building. The draft County Sewer Service Area Plan was on display for review and discussion with the NJDEP representatives in attendance. The Township's existing WMP and its various sewer/wastewater designations were shown and identified on the County Sewer Service Area Map. I will be bringing a copy of the Franklin Township portion of the County Sewer Service Area Map to the May 2, 2011 Township Committee meeting.
- Neil Ferrari, the NJDEP representative for Warren County, was in attendance and I had the opportunity to speak with him specifically regarding Franklin Township. In summary, it was made very clear that the Township WMP review and approval will be from the New Jersey Highlands Council (vs. NJDEP) in conjunction with the Township's Plan Conformance process. This matter and the status of the Township's WMP will need to be further discussed.
- At the May 2, 2011 Committee meeting, a copy of the County Sewer Service Area Map was distributed and discussed. A decision was made for a subcommittee to be formed to meet and review the plan. On June 23, 2011, I met with Bonnie Butler, Mike Toretta and Gene Weber from our office in an effort to provide Ms. Butler and Mr. Toretta with an update relative to the requirements of the submission of a new WMP and the NJDEP Grant Program which presently exists for this process.
- Our office has moved forward with the development of the application documentation necessary to secure the grant monies (maximum amount of \$75,000) available through this program. Until we receive confirmation from the NJDEP regarding the approval of our application, our office will not be proceeding with any work on the WMP. Please be advised that all work being conducted to date, including the preparation of the grant application, is reimbursable through the grant program.
- The grant application was submitted to the NJDEP on July 20, 2011 with the Township being supplied with a copy of same. The amount of the grant requested through this program was \$66,000. As of the date of this report, our office has not been notified regarding any award(s) issued by the NJDEP through this program. As previously instructed by the Committee, our office will NOT be proceeding with any work on the Township WMP until the grant monies are awarded to the Township. I will continue to keep the Committee apprised of this matter.

SAFE ROUTES TO SCHOOLS GRANT APPLICATION (SRTS)

- The Township was successful in receiving funding in the amount of \$74,000 for the project.
- The contractor previously returned to the project and addressed the outstanding areas needing final stabilization. Since that work has been completed and, in an effort to close out this project to secure our reimbursement of this grant through the NJDOT, we have submitted the contractor's final voucher (Voucher #3) which represents the retain age being previously held for the project in the amount of \$1,633.60.
- Our office has now provided the remaining additional NJDOT and FHWA documents as requested to close out the project and receive the final reimbursement due the Township. As stated above, once the contractor is paid the retain age amount of \$1,633.60, we should be in a position to close out this project.

TOWNSHIP RECREATIONAL FIELDS COMPLEX

- The original concept plan had 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 accompanied the previously filed Letter of Interpretation (LOI) application to the NJDEP. Our office is in receipt of an approved NJDEP LOI for the project dated December 1, 2009.
- Greg VandeRydt of our office originally met with Mayor Blaszk and Committeeman Flynn to discuss revisions to Phase I of the proposed recreational complex. Some field layout and location changes resulting in an amended Phase I plan was then developed by our office.
- Our office previously performed the necessary field survey work to allow us to develop the topography of a 10-acre portion slated for the development of the initial recreational facilities (Phase I) off of Asbury-Broadway Road. In the Spring of 2010, our office field staked the area in question to limit the planting of crops within the area slated for development.

- On August 25, 2010, Greg VandeRydt of our office met with Mark Blaszk, Joe Flynn, Alan Kochanski and George Buniak to discuss modifications to the Phase I layout. The layout was modified to eliminate the upper parking area and to rotate one of the proposed baseball fields. Also, the paved walking path was extended to Bryan Road from the proposed fields. A revised layout and cost estimate were recently provided to Mayor Blaszk and Committeeman Flynn who distributed same at the September 13, 2010 Committee meeting.
- At the November 1, 2010 Township Committee Meeting, the Township Committee authorized our office to proceed with the development of Construction Plans and Project Specifications for Phase I of the new Township Recreational Fields Complex to be constructed on the "Smith" property. On November 19, 2010, Greg VandeRydt met with Mayor Blaszk to finalize the layout of the project.
- At the February 7, 2011 Committee meeting, this project was discussed and an updated cost estimate was provided. The estimate that was provided was based upon more refined and detailed design plans and resulted in a higher estimated project cost than originally developed. Subsequent to the February 7, 2011 meeting, I met with both Mayor DeAngelis and Committeeman Flynn on February 22, 2011 to review the overall project status and to present some alternatives which would result in a somewhat downsized project, but would keep the project within the approximate Township budget of \$250,000.
- This matter was further discussed at the March 7, 2011 Township Committee meeting where alternative design schemes and project scopes were reviewed and discussed. One (1) specific item was requested of our office to research further and that related to the potential for the elimination of the stormwater management basin. Our office has communicated with the Warren County Engineer's Office and we believe that the County may agree to an alternate method of strowmater management, thereby potentially eliminating or, at a minimum, significantly reducing the proposed size (and subsequent costs) associated with a "typical" stormwater management/detention basin. Beyond the County Engineer's Office's review and approval, this matter will also need to be approved by the Warren County Soil Conservation District. However, it does appear that the Township may be able to secure some fairly significant savings by virtue of this modified method of stormwater management.
- As a result of the discussion from the April 4, 2011 Committee meeting, a meeting was held on April 13, 2011 between Joe Flynn, Bonnie Butler, Greg VandeRydt and myself where the project was reviewed in great detail. The results of that meeting yielded a shift in the location of the two (2) baseball fields, an relocation of the walking path and the decision to put the project "out to bid" based upon a phased (Base Bid and Alternate Bids I and II) approach. Our office has recently completed the preliminary redesign of the project to reflect the discussion and results of our April 13, 2011 meeting as outlined above. We have sent copies of the revised plan to Mr. Flynn and Ms. Butler for their review and comment. The Committee was provided with the "new" layout plan at the May 2, 2011 meeting.
- A detailed discussion regarding the recreational fields occurred at the May 2, 2011 Committee meeting. It was both confirmed and agreed upon that the project would be redesigned to incorporate a "base bid" along with three (3) alternate bids. Our office provided the Township Committee with a new progress set at the June 6, 2011 Committee meeting where the plans were further reviewed and discussed.
- Subsequent to the Township Committee's approval of the progress plan set, our office finalized the design and have since submitted the plans to both the Warren County Planning Board and Warren County Soil Conservation District (WCSCD) in order to secure their respective required approvals. Our office has received comment letters from both the Warren County Planning Board (through the Engineering Department) and the WCSCD. We have addressed all comments from both agencies and have resubmitted revised plans to both agencies. As of the date of this report, we have not received any follow-up review letters from our resubmission, but do anticipate receiving approvals from both agencies in the very near future. We will immediately proceed with advertising the project for bid once approvals from both agencies are secured.

HIGHLANDS PLAN CONFORMANCE

- The Township previously received comments from the Highlands Council on the Township's Plan Conformance Petition submitted in December, 2009. Chuck McGroarty was in the process of addressing comments received from the Highlands Council. His progress work was forwarded to our office in mid-December, 2010. Subsequent to the receipt of Mr. McGroarty's progress work, our office contacted the Highlands Council to secure a 60-day extension for a resubmittal of the applicable plan conformance modules and supporting documentation. The Township made a resubmittal of their amended Highlands Conformance documentation in March, 2011.
- Our office met with Jim Kyle, P.P., Township Planner, on February 22, 2011, to review the work that had previously been done by Chuck McGroarty and to assess the balance of work to address the Highlands Council review comments on the Township's initial submission for plan conformance in the Preservation Area. Jim Kyle made a presentation to the Township Land Use Board at their April 20, 2011 meeting regarding the status of the Township's Plan Conformance with the Highlands Regional Master Plan.
- The Township's Highlands Plan Conformance petition was heard at a public hearing before the Highlands Council on May 19, 2011. Jim Kyle, myself and Bonnie Butler attended on behalf of Franklin Township. Per a letter dated May 26, 2011, the Township was officially notified of the action by the Highlands Council approving the Township's Petition for Plan Conformance.

- The Township Committee should be advised that the Highlands approval included numerous conditions. These conditions will need to be complied with by the Township pending receipt of additional grant funding through the Highlands Council for the next phase of work. Our office received a copy of a letter, dated September 7, 2011, from the Highlands Council to Major DeAngelis which provides “official” notification regarding approval of Franklin Township’s Petition for Plan Conformance. Additionally, this correspondence documents both additional reimbursement which will be secured by the Township for the original Plan Conformance work along with notification of an Amended Grant Agreement (#09-033-011-2105) which will be entered into between the Township and the Highlands Council for the additional work required to achieve compliance with the “Final Consistency Review and Recommendations Report” and “Highlands Implementation Plan and Schedule.”

2010 TRANSPORTATION ENHANCEMENT APPLICATION

- The Township was originally awarded a \$76,000 grant for the project being funded through the American Recovery and Reinvestment Act (ARRA) through the federal government. Subsequently, the amount of the grant award was increased to \$104,770 to correspond to the additional estimated costs associated with this project.
- Additionally, as required, we 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 receive their input on the project. All of their respective comments have been incorporated into the construction plans as required by the NJDOT.
- After review by the NJDOT’s consultant, Greenman-Pedersen (GPI), we received final approval and “Authorization” from the NJDOT for the project.
- The project was advertised and we attended the initial bid opening for the project on April 22, 2010. Unfortunately, even though there were four (4) bid specifications picked up, no bids were submitted for the project.
- Our office re-advertised the project and we attended a second bid opening on June 3, 2010 for the project. Our office has previously prepared and forwarded a contract award recommendation correspondence, dated June 7, 2010, which was discussed at the June Township Committee Meeting.
- The Township delayed awarding the project anticipating that the project could be expanded to include additional bid items as a result of the large difference between the amount of the low bid (\$62,604.00) versus the grant award (\$104,770) for the project. Our office contacted the NJDOT Local Aid Office to inquire about the possibility of expanding the scope of work and we were informed that under this type of grant (Federally Funded) the scope of work cannot be expanded or altered. We previously e-mailed the Township Committee with this information based upon our discussions with Cheryl Edwards, NJDOT. Therefore, the project remained as originally designed and bid.
- The Township awarded the project to A & A Curbing, Inc. at the July 2010 Committee Meeting. The project contracts have now been executed and the performance bond has been submitted by the contractor. On September 1, 2010, a preconstruction meeting for the project was held. The obligatory ARRA signs were installed on September 29, 2010.
- In advance of the start of the construction work, our office became aware that there were many walkways that access individual homes that would need to be replaced in conjunction with the replacement of sidewalks serving the various properties. Therefore, we requested and received authorization for a Federal Aid Change Order to increase the amount of tinted concrete sidewalk by 120 square yards yielding an increase in the contract of \$6,000.00. This Federal Change Order requires that a supporting Resolution is passed by the municipality to authorize the execution of same by the Mayor. Resolution 2010-88 was approved by the Committee at the October 4, 2010 meeting.
- Construction on the project has been completed for some time now and the Township previously received the requisite Maintenance Bond for the project.
- Our office continues to provide final NJDOT and FHWA documents as requested to close out the project. In conjunction with our efforts to “close out” the project, the NJDOT has advised our office of a problem relating to ADA compliance in the location of the Asbury Deli. Based upon the relationship and orientation of the three (3) parking spaces in front of and facing the deli building, pedestrian access is impeded by a parked vehicle for anyone walking along that section of sidewalk. The NJDOT has stated that the area must be retrofitted to achieve ADA compliance. The Township Committee should be aware that many approvals and involvement from the NJDOT were secured both prior to and during the construction of the sidewalk improvements.
- Subsequent to the detailed discussion at the April 4, 2011 meeting regarding the NJDOT’s position as outlined above, the Township authorized Attorney Benbrook to send a correspondence to the NJDOT outlining the Township’s position relative to the outstanding issue of ADA compliance across the frontage of the Asbury Deli property. The NJDOT has forwarded a response letter, dated May 3, 2011, to the Township addressing Mr. Benbrook’s letter. The NJDOT letter continues to state that the project is not ADA compliant and that remedial measures must be taken by the Township in an effort to achieve ADA compliance. At the June 6, 2011 Committee meeting, Mr. Benbrook reviewed his most recent correspondence to the NJDOT, dated June 2, 2011, which was written in response to the original NJDOT letter, dated May 3, 2011.
- At the August 1, 2011 Township Committee meeting, the Township authorized Attorney Benbrook to forward a letter to the NJDOT indicating that the Township would be proceeding to “fix” the non-compliant Asbury Deli improvements. Attorney Benbrook forwarded a letter, dated August 5, 2011, to the NJDOT outlining Franklin Township’s updated position on intended compliance with all outstanding ADA issues. The NJDOT responded to

Mr. Benbrook's letter via correspondence from their office, dated August 22, 2011, which I am sure has been reviewed by all parties at this time.

- Our office continues to further coordinate this matter with Joe Birchenough and Cheryl Edwards, NJDOT, regarding the extent of the Township's responsibility towards full compliance of all ADA improvements constructed for this project. As of the date of this report, there has been no definitive or final resolution as Mr. Birchenough has requested a meeting with our office to review the improvements in question. We will continue to coordinate with both the NJDOT and the Township as we move forward towards the ultimate completion and final approval of this project from the NJDOT.

TRAFFIC SPEED LIMIT ORDINANCE

(No change since last month's report)

- Our office was working with Attorney Tipton towards the preparation of a revised Speed Limit Ordinance. The Township Committee should determine whether they would like to continue to proceed forward with this project, as Attorney Benbrook will now need to get involved with this effort and ordinance development.

HALFWAY HOUSE ROAD FAILURE

- Deputy Mayor Butler made our office aware of a roadway failure on a section of Halfway House Road. The Halfway House Road failure is similar in scope to the damage to Millbrook Road where the adjacent steep slopes are "slipping" towards the nearby brook and causing subsistence of one lane of the roadway. However the length of the damaged area on Halfway House Road is approximately 20% of the length of the Millbrook Road failure. If the area is not stabilized, the integrity of Halfway House Road will be compromised and this situation could potentially worsen to the point that one lane of the roadway could be lost. As you will recall, the Township was successful in securing NJDOT Discretionary Funds Grant to repair the damage to Millbrook Road. Our office has contacted the Region I NJDOT representative regarding the possibility of applying for a Discretionary Funds Grant to complete this work. We will continue to coordinate with our representative regarding submission of a viable application for this work. At the October 4, 2010 meeting, the Township Committee authorized our office to develop and submit a discretionary funds grant application.
- Our office prepared the grant application and the Township passed a supporting resolution at the January 11, 2011 Committee meeting. Our office sent the application to the NJDOT on February 4, 2011.
- I am very pleased to report that Franklin Township received a grant from the NJDOT for this project in the amount of \$115,000 through the Transportation Trust Fund for the Halfway House Road bank stabilization project.
- At this juncture, the Township Committee would need to authorize our project to proceed with the field survey and design work associated with this project so that we would be in a position to develop the construction plans in order to get the project in a position to go "out to bid." Our office will not proceed with any further work on this project until the Township Committee provides authorization to our office for the work in question.

WILLOW GROVE ROAD DRAINAGE EASEMENT

(No change since last month's report)

- Our office previously negotiated a drainage easement for a small section of "upper" Willow Grove Road for a new proposed cross drain to eliminate a drainage problem that has existed for a long period of time. Our office then assisted the DPW with infield design and installation of this new storm drainage after receiving a verbal agreement with Ludwig Bohler, owner of the property, listed as Rock Ridge Corporation.
- The drainage easement and supporting language was previously developed by Attorney Tipton's office and has been approved by Mr. Bohler. The Township took action at the December meeting to execute the drainage easement. It should now be in a position to be recorded with the County.
- Our office is currently coordinating with attorney Benbrook regarding recording of the easement. As of the date of this report, our office is unaware if the easement has been recorded or not.

TOWNSHIP-OWNED PROPERTIES: PHOTOVOLTAIC (SOLAR) RFP

- This matter was discussed at the April 4, 2011 Committee meeting where a decision was made to prepare two (2) separate RFPs for the Sigler/Brandywine property and the Archive/Beidelman Road properties, respectively. Our office has completed the development of an RFP which was previously forwarded to Attorney Benbrook for his review and comment.
- These projects were discussed at length at the May 2, 2011 Committee meeting where the Township Committee authorized our office to advertise both of the RFPs. The due date for the submission of the RFPs was May 31, 2011 at 10:00 AM.
- The Township received one (1) response to each RFP, both from Alethea Cleantech Advisors, LLC (Alethea). Copies of the two (2) proposals were forwarded to both Denise Cicerelle, Clerk and Kevin Benbrook, Esq. for their review and information. Our office provided the Township Committee with our review of the proposals via letter dated June 6, 2011. At the June 6, 2011 Township Committee meeting, the Township took action to award a contract on each respective property to Alethea.

- Subsequent to the award of the contracts, via Resolution #s 2011-74 and 2011-75, our office developed a Notice of Award correspondence, dated June 9, 2011, which was forwarded to Alethea. The various required supporting contract documents were received by our office and the Township for the execution of a lease option agreement with Alethea on both the Sigler and Beidelman Road properties. Attorney Benbrook has been provided with copies of all of the documents received from Alethea. Provided that Attorney Benbrook finds all of the documents to be in proper form, the Township would then be in a position to execute the lease option agreements.
- This matter was discussed further at both the July 11, 2011 and August 1, 2011 Committee meetings. At the August 1, 2011 meeting, Attorney Benbrook reported that the leases for both properties have now been fully executed by both Alethea and the Township and the due diligence monies have been received from Alethea.

TOWNSHIP 2011 ROADWAY RESURFACING PROGRAM

- Refer to separate correspondence from our office, dated July 6, 2011, which provides the Township Committee with a detailed breakdown and cost estimate of the proposed 2011 Township Roadway Resurfacing Program. At the July 11, 2011 Committee meeting, the Township Committee authorized our office to proceed with the scheduling of this work with Tilcon.
- The resurfacing work commenced on August 15, 2011 and was completed on August 24, 2011. A total of 4,388 tons of material were used in conjunction with the application of a leveling course and new surface course. We were able to complete sections of the following roadways: Millbrook Road, Mountain View Road West and Buttermilk Bridge Road. Based upon the tonnage used and the approximate maximum unit cost of \$60/ton, the anticipated cost for this work is \$263,280 which is below the maximum available budget of \$280,000 allocated for this work.
- Please be advised that to date, we have not been provided with a final unit cost, nor with an invoice from Tilcon, although we have been told that the cost for the material (in-place) will be slightly less than \$60/ton. We continue to coordinate and request that Tilcon forward an invoice to the Township for their work and the material.

UPDATED TOWNSHIP FIRM (FLOOD INSURANCE RATE) MAPS

- Please refer to separate correspondence, dated July 7, 2011.

2012 NJDOT LOCAL AID TRUST FUND GRANT APPLICATIONS

- As previously directed by the Township Committee, our office is in the process of preparing two (2) updated grant applications to be submitted under this program. The deadline for the submission of these applications is September 23, 2011 and the applications must be submitted electronically through the SAGE system. We previously forwarded to Denise Cicerelle two (2) draft Resolutions, one (1) for Good Springs Road and one (1) for Wolverton Road, which are the applications to be submitted through this year's program. The Township Committee must take action on the two (2) Resolutions in question at the September 12, 2011 Committee meeting. At this juncture, I am unaware of the timeline associated with any announcement from the NJDOT regarding the award recipients through this year's program. Historically, announcements are made by the end of the calendar year.

FEMA LOCAL AID INFRASTRUCTURE FUNDING

- I have been made aware that the State of New Jersey is offering a program to make funding available to assist local governments in the repair of storm damaged roadways and bridges. This application process has just been announced and is similar in many respects to the annual NJDOT Trust Fund application process that we are very familiar with (ref. report item #13 above). Based upon the torrential rains over the past few weeks and the resultant damage to a number of Township roadways, I believe this is a program that the Township should consider making application(s) through. I will discuss this matter and potential candidates further at the September 12, 2011 Committee meeting.

STEWARTSVILLE ROAD: ROADWAY RECONSTRUCTION & SINKHOLE REMEDIATION

- As you are certainly aware, the Township faced a difficult situation last week (week of September 5, 2011) where a sinkhole opened up along the edge of Stewartsville Road where a small portion of the western-most lane was undermined. Unfortunately, after the sinkhole was prepared for remediation for the following morning, torrential rains ensued during that evening which caused the sinkhole to multiply in size to the point where the entire roadway became undermined and the roadway became un-passable and needed to be closed. The work in question to remediate the sinkhole and reconstruct the roadway evolved to the point where it was beyond the scope of what was able to be accomplished by the Township DPW.
- Based upon the emergent condition which resulted from this sinkhole and subsequent roadway failure, our office, in conjunction with consultations with Attorney Benbrook and Mayor DeAngelis and in working closely with Ron Read and the Township DPW, were able to authorize KDP Developers to proceed to perform the required remedial work and services. A proposal from KDP Developers, dated September 8, 2011, was submitted for the work in question at a lump sum fee of \$17,580. It is my understanding that some of the materials used for the project were less than estimated. Therefore, the final adjusted bill may be slightly less than what was quoted per their proposal. The roadway was reopened to traffic as of September 10, 2011.

ATTORNEY –

Report on File.

COMMITTEE REPORTS:

Joe Flynn

Increase in fly issue at ISE Farms.

Michael Toretta

Nothing further to report.

Sarah Payne

Carl Sigler dropped off a notice from the DEP for an application of discharge of ground water that the township acquired. Attorney Benbrook to issue a letter to advise that this application may be canceled and no longer needed. Local Archeologists looking to pursue a sign in recognition for a Pueblo Indian site on the Plenge Property. Welcome to Broadway signs, per the NJDOT they will have someone come in and either clean up the bushes planted around the signs or we can find someone to keep up the maintenance or the state will come in and knock everything down around the sign.

Bonnie Butler

Paving projects went well on Mountain View Road, Buttermilk Bridge Road and Millbrook Road. Wonderful Job. Sound System update? Parts are in per mayor. Also, a letter should go out to our fire/squad and Greenwich ShopRite thanking them for their support and hard work in the past weeks.

Jeffrey DeAngelis, Mayor

Nothing further to report.

OPEN PUBLIC SESSION

Karen Chiu

Thank you to the fire company and the ladies auxiliary in the past storms for their help and food while on stand by. Mosquitoes are a big issue, OEM advised the mosquito commission has been contacted for spraying. Why are we buying the New Village Rec. Field when people don't want the other field. Per Mayor the field will be purchased with Open Space Funds. We are asking for one piece of property that we can call recreation so we can off set lawn mower cost and off set DPW cost and off set capital gain cost.

Joel Reger

Open space farmland referendum preservation trust fund summary total acreage preserved shows 0 should be 2700 acres preserved to date in 2011 budget.

Joan Ward

Any plans to fill in the ditch on Rt. 57 that was dug to accommodate the heavy water flow from last storm. Mayor to check into this once the State of Emergency has been lifted from the town on Wednesday, will reach out to county, not sure of response.

Alan Kochanski

Status of the ball fields, sitting up in county, awaiting for their blessing per mayor.

Unknown Resident

Maple Avenue is broken up in front of home, hasn't been worked on for the 10 years since moved in.

Sonny Read, OEM, urges residents with storm damages to call FEMA and file a claim for funds or they have opened the Warren County Public Safety Building as a Disaster Relief Site.

On motion by Bonnie Butler and seconded by Sarah Payne, to authorize Engineer Finelli to file the necessary paperwork with FEMA for disaster recovery grant.

Roll Call:	Yes	No	Absent	Abstained	
Bonnie Butler	X				
Joe Flynn	X				
Michael Toretta		X			
Sarah Payne	X				
Mayor, Jeffrey DeAngelis	X			(5) Yes (0) No (0) Abstained	Motion carried

EXECUTIVE SESSION

BE IT RESOLVED, on this 12th day of September, 2011, 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

CONTRACT NEGOTIATIONS

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 12th, day of September, 2011 by the Franklin Township Committee, that the matter stated will be discussed in executive session, said session to commence at approximately 10:25 p.m.

On Motion by Joe Flynn and seconded by Michael Toretta to exit to executive session at approximately 10:25 pm. Unanimous Vote.

On motion by Sarah Payne and seconded by Mike Toretta to return to the regular session at 10:44 p.m. Unanimous Vote.

BILLS

On motion by Bonnie Butler and seconded by Joe Flynn, to pay appropriate bills minus the Verizon Bills.

Roll Call:	Yes	No	Absent	Abstained	
Bonnie Butler	X				
Joe Flynn	X				
Michael Toretta		X			
Sarah Payne	X				
Mayor, Jeffrey DeAngelis	X			(5) Yes (0) No (0) Abstained	Motion carried

On motion by Bonnie Butler and seconded by Joe Flynn, hearing no objection, meeting stands adjourned at 10:46 pm. Unanimous Vote.

Respectfully submitted,

Denise L. Cicerelle
Municipal Clerk