

REGULAR MEETING

The Franklin Township Committee held its regular monthly meeting at 7:00 pm on Monday, March 5, 2012. Mayor Bonnie Butler opened the meeting in accordance with the "Open Public Meeting Act" Chapter 231, P.L. 1975 having been duly advertised and a copy posted in the office of the Township Clerk.

Present were: Mayor Bonnie Butler, Michael Toretta, Sarah Payne, Jacob Pence, Joe Flynn, Denise L. Cicerelle, Municipal Clerk, Ron Read, DPW Foreman, Raymond Read, OEM/Fire Chief, Roger Bulava, Recycling, Michael Finelli, Engineer, Robert Benbrook, Attorney.

Following the flag salute

ROLL CALL OF COMMITTEE MEMBERS PRESENT: Bonnie Butler, Michael Toretta, Joe Flynn, Sarah Payne, Jacob Pence (5) Yes (0) Absent

The Regular Meeting Minutes of February 6, 2012 were accepted on motion by Jacob Pence, and seconded by Sarah Payne; Sarah Payne, yes, Jacob Pence, Yes, Bonnie Butler, Yes, Joe Flynn and Michael Toretta abstained. Executive Meeting Minutes of February 6, 2012 were accepted on motion by Bonnie Butler, and seconded by Sarah Payne; Sarah Payne, yes, Jacob Pence, Yes, Bonnie Butler, Yes Michael Toretta and Joe Flynn abstained.

Introduction of 2012 Municipal Budget By Title Only (Resolutions 2012-50 – Resolution 2012-51)

The following **Resolution 2012-50** was presented for First Reading/Adoption

TOWNSHIP OF FRANKLIN COUNTY OF WARREN STATE OF NEW JERSEY

RESOLUTION #2012-50

WHEREAS, the Township of Franklin is holding a meeting on March 5, 2012, for the purpose of introducing the 2012 Municipal Budget and conducting other matters; and,

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Franklin, Warren County, New Jersey, that the Township of Franklin hereby petitions the Director of the Division of Local Government Services that the 2012 Local Municipal Budget be introduced and approved on March 5, 2012.

2012 FRANKLIN TOWNSHIP MUNICIPAL BUDGET

Surplus anticipated general revenues	\$ 923,000.00
Total Miscellaneous revenue	491,436.00
Receipts from Delinquent Taxes	180,000.00
Local Property Taxes	741,850.00
Total General Revenues	<u>\$2,336,286.00</u>
Total Operations	
Salaries and Wages	\$464,671.00
Other Expenses	847,656.00
Capital Improvements	205,000.00
Statutory Expenditures	76,506.00
Debt Service	135,840.00
Reserve for Delinquent Taxes	<u>606,613.00</u>
Total 2012 Municipal Budget	<u>\$2,336,286.00</u>
2012 Municipal Tax Rate	0.1761

On motion by Sarah Payne and seconded by Joe Flynn the aforenoted **Resolution 2012-50** be adopted as read.

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

CERTIFICATION

It is hereby certified that this is a true and accurate copy of a Resolution adopted by the governing body of the Township of Franklin at a regular meeting held March 5, 2012, at the Municipal Building, Broadway, New Jersey.

Witness my hand and the SEAL of the Township of Franklin.

SEAL:

Denise L. Cicerelle, Township Clerk

Dated: March 5, 2012

The following **Resolution 2012-51** was presented for First Reading/Adoption

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

RESOLUTION #2012-51

WHEREAS, the 2012 Local Municipal Budget was introduced on the 5th day of March, 2012; and,

WHEREAS, during the fiscal year 2012 the Township of Franklin has been allocated a state grant for various programs in the amount of \$131,917.

NOW, THEREFORE BE IT RESOLVED, that petition be made herewith to the Director of the Division of Local Government Services that the 2012 Local Municipal Budget include a special item of revenue under the heading of "**Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services-Public and Private Revenues Offset with Appropriations:**"

NJDOT-Halfway House Road Bank Stabilization	115,000.00
Recycling Tonnage Grant – Prior Year	3,331.00
Clean Communities Program – Prior Year	9,819.00
Municipal Alliance on Alcoholism & Drug Abuse	3,796.00
	<u>\$ 131,946.00</u>

On motion by Sarah Payne and seconded by Joe Flynn the aforenoted **Resolution 2012-51** be adopted as read.

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

CERTIFICATION

It is hereby certified that this is a true and accurate copy of a Resolution adopted by the governing body of the Township of Franklin at a meeting held in the Municipal Building, on March 5, 2012.

Witness my hand and the SEAL of the Township of Franklin.

SEAL:

Denise L. Cicerelle,

Township Clerk

Dated: March 5, 2012

REPORT/UPDATE:

NJSP

A representative from the New Jersey State Police was present reporting the following statistics for last month. 1 (911) Calls, 12 Accidents, 7 Community Policing, 10 Critical Infrastructures, 1 Fire, 8 Medical Assists, 8 Motor Vehicle Accidents, 210 Traffic Stops, 70 Property Checks, 1 Criminal Mischief, 1 Neighborhood Dispute, 1 Theft, 3 Well Being Checks. There were no public concerns or questions from the audience.

ENGINEER REPORT:

Mike Finelli, updated the committee with ongoing projects. Committeeman Flynn inquired as to the recreation fields and the sinkholes. Mr. Finelli commented that a crew went out and checked the sinkholes and we are at a point now where we can go out to bid.

On motion by Bonnie Butler and seconded by Joe Flynn to authorize Mr. Finelli to move forward with the bidding process.

Roll Call Vote	Yes	No	Absent/Abstained
Jacob Pence		X	
Sarah Payne		X	
Joe Flynn	X		
Michael Toretta		X	
Mayor Bonnie Butler	X	(2) Yes (3) No (0) Absent	Motion NOT Carried

OEM Read commented that all paperwork has been submitted to FEMA. Still waiting for the PW for

the snow event. Mayor Butler inquired the status on the Asbury Sidewalks project. Mr. Finelli advised that not much has transpired with DOT or the previous contractor.

At this time Mayor Butler opened the floor to the public for any Public Comment. Resident Bonnie Colaluce commented as to wells they put on the proposed recreation field property and there were sinkholes then, due to limestone.

THIRD STREET DRAINAGE PROBLEMS

- As reported by Attorney Benbrook at the October 3, 2011 Committee meeting, Mr. Chiu executed the easement agreement with the Township. As of the date of this report, I am unaware of the status of the Demasi easement and agreement. However, based upon the Township securing the Chiu easement, our office was authorized to proceed with the survey field work and design phases of the project in the effort to get the project in a position to be designed and “out to bid” in 2012. Our office has completed all of the field survey work on the project and has developed the base maps for the eventual development of construction plans. We have commenced with the design phase and the stormwater management evaluation for the canal. Additionally, we are in the process of coordinating a meeting with some Morris Canal Commission representatives to make certain that our proposed design and canal related impacts will be acceptable by them. We have not been able to get this meeting scheduled to date, but will continue to move this forward and keep the Township Committee apprised of same.
- We will continue to update the Township as the design phase of the project proceeds and also advise the Township regarding any construction and/or environmental (NJDEP) permits which may be required in conjunction with this project.

TOWNSHIP WASTEWATER MANAGEMENT PLAN

- The Township Committee should be advised that the New Jersey Legislature recently enacted new legislation (Bill #S-3156) which both reinstates previously withdrawn sewer service areas as well as extending the period of protection for wastewater management plans and service areas. This bill also establishes a 180-day timeframe for all wastewater planning agencies (i.e. Franklin Township) to submit plan updates to the NJDEP.
- Our office recently received a letter from the NJDEP approving and confirming award of an additional \$15,000. grant for the work required in conjunction with the development of a Township WMP. Our office, via letter dated February 9, 2012, forwarded the grant agreement to the Township for the Mayor to execute as required. We are now in a position to commence work on the Township’s WMP. We will keep the Committee apprised as we move forward with the development of the WMP.

SAFE ROUTES TO SCHOOLS GRANT APPLICATION (SRTS)

- Please refer to our engineer’s report, December 2, 2011, for previously provided information regarding this project.
- Our office received confirmation from Denise C., Township Clerk, that the Township received the \$74,000. grant amount from the State for this project. As of this juncture, especially based upon receipt of the grant from the State, this project should be considered officially completed and closed out. We will remove this item from future engineer’s reports.

TOWNSHIP RECREATIONAL FIELDS COMPLEX

- Our office previously distributed sets of Construction Plans and Bid Specifications to the Township Committee for their review and approval. It is my understanding that once the Committee approves of the final plans and specifications that the project will be in a position to go “out to bid.” At this juncture, the project is now in a position to go “out to bid,” as we have now secured all necessary third-party approvals. The Township Committee must make a decision as to the disposition of this project relative to whether or not we go “out to bid” in order to determine the actual construction costs or not. Obviously, we will wait for your authorization prior to moving forward.
- At the December 5, 2011 Committee meeting, there were two (2) members of the public who advised the Township of some sinkhole activity in the general area of the proposed parking lot and beyond. As directed, I held a site inspection with Sam Santini (who now and historically has farmed the property) to

examine and review the reported sinkholes. Subsequent to that, our survey field crew went out to the site and located the sinkholes. I still contend that the project is constructible with a minor relocation of the proposed parking area and some additional design features included relative to potential future sinkhole remediation (should they be encountered). Again, I will wait for further direction from the Township Committee regarding the sinkhole “issue” and the overall status and disposition of the project.

- This project was discussed at the February 6, 2012 Committee meeting and, based primarily upon the fact that not all members of the Township Committee were in attendance at that meeting, no decision was made on whether or not this project would be authorized to go “out to bid.” It is my understanding that this project will be discussed further at the March 5, 2012 Committee meeting.

HIGHLANDS PLAN CONFORMANCE
(No change since last month's report)

- Please refer to our engineer’s report, December 2, 2011, for previously provided information regarding this project.

2010 TRANSPORTATION ENHANCEMENT APPLICATION
(No change since last month's report)

- Please refer to our engineer’s report, December 2, 2011, for previously provided information regarding this project.

HALFWAY HOUSE ROAD FAILURE

- A second proposal from ANS Geo, Inc. in the amount of \$5,400 was previously provided to the Township and the Township Committee awarded the geotechnical work on this project to ANS Geo, Inc. at the December 5, 2011 meeting. The geotechnical exploration work (i.e. borings and soils evaluation) has been performed and our office has received the report and recommendations from ANS Geo, Inc. Based upon receipt of their report, we are now finally in a position to continue with the design work in an effort to get the project “out to bid” in the Spring/early Summer of 2012. Our office has been in contact with the Township DPW and is well aware of the need to get this project “out to bid” and to construction as soon as possible.

WILLOW GROVE ROAD DRAINAGE EASEMENT
(No change since last month's report)

- Please refer to our engineer’s report, December 2, 2011, for previously provided information regarding this project.

TOWNSHIP-OWNED PROPERTIES: PHOTOVOLTAIC (SOLAR) RFP

- The Township and our office recently received an update from Mr. Kotzias (Alethea) relative to the approval from PJM and JCP&L for the interconnection to the power grid and their projected costs. At this time, he has only received information on the Beidelman Road property and is expecting some additional information on the Sigler property in the near future. As per a recent conversation I had with Mr. Kotzias, I recommended that he attend a future Township Committee meeting to give the Township Committee an update regarding the status of both sites. We will continue to keep the Township Committee abreast of Alethea’s progress with the potential future solar development of the two (2) municipal properties in question.

2012 NJDOT LOCAL AID TRUST FUND GRANT APPLICATIONS
(No change since last month's report)

- As previously directed by the Township Committee, our office has prepared two (2) updated grant applications. Two (2) Resolutions, one (1) for Good Springs Road (#2011-87) and one (1) for Wolverton Road (#2011-88), were approved by the Township Committee at the September 12, 2011 meeting. The deadline for the submission of these applications was September 23, 2011. Our office submitted both of the grant applications prior to the deadline with the applications submitted electronically through the SAGE system.
- 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.

FEMA LOCAL AID INFRASTRUCTURE FUNDING

- Bill Gleba from our office, along with both Ron Read, representing the Township DPW, and Sonny Read, Township OEM Coordinator, have been meeting to review candidates and develop cost estimates and have also met with the FEMA representatives representing Franklin Township on October 11, 2011. I am certain that both Sonny and Ronny Read and our office will continue to move this process forward and keep the Township Committee apprised of hopeful and expected reimbursement by FEMA through this program. At this juncture, the Township should be aware that the funding provided is a 75% grant with a 25% Township match, but this 25% Township match does include both man hours and equipment hours which will become a credit towards the Township's 25% match.
- Bill Gleba continues to coordinate with Ron Read relative to the prioritization of the various roadway repairs and/or reconstruction work eligible through the FEMA program. At some point in the near future, the Township will need to make a decision on how aggressively they would like to pursue the FEMA funding (for eligible roadways and infrastructure) based upon the 25% match requirement as part of this program. Our office and Ron Read continue to coordinate with our FEMA representative regarding eligible roadways/projects, FEMA's determination of eligibility, Township credits towards our 25% match and the overall reimbursement program.
- The Township Committee should be advised that our office has submitted the required RPA form to FEMA associated with the October snowstorm. At this juncture, no action has been taken regarding this particular storm event and any potential reimbursement which the Township may be eligible for. We will continue to coordinate with both FEMA and the designated Township representatives in conjunction with all of the RPA's submitted and to secure any eligible reimbursement monies due Franklin Township.

The following **Resolution 2012-47** was presented for First Reading/Adoption

RESOLUTION 2012-47

APPOINTMENT OF A FUND COMMISSIONER TO THE PUBLIC ALLIANCE INSURANCE COVERAGE FUND

BE IT RESOLVED, by the Township of Franklin, County of Warren , State of New Jersey, that it hereby appoints Committeeperson Sarah Payne, Insurance Liaison as the Fund Commissioner and Denise L. Cicerelle, Municipal Clerk as the Alternate Fund Commissioner to the Public Alliance Insurance Coverage Fund; and

BE IT FURTHER RESOLVED that copies of this Resolution be forwarded to the following:

1. Committeeperson Sarah Payne, Insurance Liaison
(Fund Commissioner)
2. Municipal Clerk, Denise L. Cicerelle
(Alternate Fund Commissioner)
3. Public Alliance Insurance Coverage Fund

On motion by Michael Toretta and seconded by Jacob Pence the aforenoted **Resolution 2012-47** be adopted as read.

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

CERTIFICATION

I, Denise L. Cicerelle, Municipal Clerk, do hereby certify that the foregoing is a true copy of a resolution adopted by the Franklin Township Committee at a meeting held on the 5th day of March, 2012.

IN WITNESS WHEREOF, I have hereunder set my hand and the official seal of this body this 5th day of March, 2012.

Denise L. Cicerelle, Municipal Clerk

Dated: March 5, 2012

The following **Resolution 2012-48** was presented for First Reading/Adoption

Engineer Finelli updated committee, this resolution was amended from last month, the escrow bond for EGK found that the developer defaulted on the bond and the monies should not be returned to them. Mr. Finelli concurred with Auditor Ardito as to this money to be returned to Capital.

Resolution 2012-48

WHEREAS, Resolution 2012-48 hereby rescinds Resolution 2012-44 and,

WHEREAS, The Assistant Treasurer, has brought to the attention of the township committee, said old escrows that the original applicant is unable to be located,

WHEREAS, in order for escrow monies to be released the applicant needs to be located as well as current contact information, and

WHEREAS, since the applicants have not been located,

BE IT RESOLVED, by the Mayor and Committee authorize the Assistant Treasurer to release the following escrows as follow to the state accordingly:

E&H Developers (RB II) opened in 1998 escrow balance of \$486.08
K&B Associates (Klein/Boraski) opened in 1969 escrow balance of \$200.00

NOW THEREFORE BE IT RESOLVED, escrow monies will be escheated to the state for disbursement of above escrow monies.

On motion by Sarah Payne and seconded by Michael Toretta the aforenoted **Resolution 2012-48** be adopted as read.

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

Dated: March 5, 2012

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, March 5, 2012.

Denise L. Cicerelle, RMC/CMR
Municipal Clerk

The following **Resolution 2012-49** was presented for First Reading/Adoption

RESOLUTION NO. 2012-49

WHEREAS, Baruch Schwartz holds Tax Sale Certificate #11-01 and has paid subsequent taxes on Block 11 Lot 35 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 \$ 201.97 to Baruch Schwartz, 7 Hekel Road, Lakewood, NJ 08701.

On motion by Michael Toretta and seconded by Jacob Pence the aforesigned **Resolution 2012-49** be adopted as read.

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

CERTIFICATION

I, Denise L. Cicerelle, Township Clerk, do hereby certify that the foregoing is a true copy of a resolution adopted by the Franklin Township Committee at a meeting held on the 5th day of March, 2012.

IN WITNESS WHEREOF, I have hereunder set my hand and the official seal of this body this 5th day of March, 2012.

Denise L. Cicerelle, Municipal Clerk

Dated: March 5, 2012

The following **Resolution 2012-52** was presented for First Reading/Adoption

RESOLUTION NO.- 2012-52

WHEREAS, Stonefield Investment Fund II LL, holds Tax Sale Certificate #11-03 and has paid subsequent taxes on Block 37 Lot 6 and,

WHEREAS, the prior lien holder has redeemed this lien,

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Committee authorize the Tax Collector to refund the sum of \$ 34,276.76 to Stonefield Investment Fund II LL, 21 Robert Pitt Drive, #202, Monsey, NY 10952.

On motion by Bonnie Butler and seconded by Sarah Payne the aforesigned **Resolution 2012-52** be adopted as read.

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

CERTIFICATION

It is hereby certified that this is a true and accurate copy of a Resolution adopted by the governing body of the Township of Franklin at a meeting held in the Municipal Building, on March 5, 2012.

Witness my hand and the SEAL of the Township of Franklin.

SEAL:

Denise L. Cicerelle,

Township Clerk

Dated: March 5, 2012

The following **Resolution 2012-53** was presented for First Reading/Adoption

RESOLUTION NO. 2012-53

WHEREAS, On November 16, 2011, property taxes on Block 47 Lot 8 and Block 47 Lot 10 were sold at Tax Sale to Franklin Township and

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Committee authorize the Tax Collector to cancel the lien on Block 47 Lot 8 and Block 47 Lot 10.

On motion by Jacob Pence and seconded by Michael Toretta the aforenoted **Resolution 2012-53** be adopted as read.

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

CERTIFICATION

It is hereby certified that this is a true and accurate copy of a Resolution adopted by the governing body of the Township of Franklin at a meeting held in the Municipal Building, on March 5, 2012.

Witness my hand and the SEAL of the Township of Franklin.

SEAL:

Denise L. Cicerelle, Municipal Clerk

Dated: March 5, 2012

FIRST READING/INTRODUCTION OF:

A discussion ensued as to this ordinance as to commonly owned property and the responsibilities of a homeowners association and where the Right to Farm falls into place. This ordinance was put together with Zoning Officer, Jim Onembo's approval and is more sound than the previous ordinance in our code book. This ordinance will be placed on the April agenda for further discussion and introduction.

The following **Ordinance 2012-4** was presented for First Reading/Introduction

TOWNSHIP OF FRANKLIN WARREN COUNTY, NEW JERSEY ORDINANCE NO. 2012-4

AN ORDINANCE REPEALING EXISTING CHAPTER 48 OF THE CODE OF THE TOWNSHIP OF FRANKLIN AND ENACTING A NEW CHAPTER 48 ENTITLED "BRUSH, GRASS AND WEEDS"

BE IT ORDAINED by the Mayor and Committee of the Township of Franklin, Warren County, New Jersey that Chapter 48 of the Code of the Township of Franklin entitled, "Brush, Grass and Weeds" be repealed in its entirety and replaced with a new Chapter 48 as follows:

SECTION I

CHAPTER 48 BRUSH, GRASS AND WEEDS

§ 48-1. Removal near roadways.

Where it shall be necessary and expedient for the preservation of the public safety, as determined by the Zoning Officer, any owner or tenant of lands lying within the Township shall be required to cut all brush, hedges or other plant life to a height of not more than 2 ½ feet where such brush, hedges or other plant life is located within 10 feet of any roadway or within 25 feet of the intersection of two roadways, within 10 days after notice to cut the same. The term "roadway" as used herein refers to right-of-way width.

§ 48-2. Notice to remove or destroy; time limit for compliance.

Where it shall be necessary and expedient for the public health, safety, general welfare or to eliminate a fire hazard, as determined by the Zoning Officer, any owner or tenant of lands lying within the Township shall remove, destroy, mow or otherwise treat and maintain all vegetative growth, including, but not limited to, brush, weeds, including ragweed, poison ivy, dead and dying trees, stumps, roots, downed branches, noxious growths, and overgrown grass within 10 days after notice to remove or destroy the same.

§ 48-3. Performance of work by Township.

In the event that the owner or tenant shall refuse or neglect to cut the brush, hedges or plant life under § 48-1 or to remove or destroy the brush, weeds and other materials under § 48-2 within 10 days after notice, the Township may do the work or cause the work to be done under the direction of the Zoning Officer of the Township.

§ 48-4. Lien for costs of removal.

The Zoning Officer shall certify to the Township Council the cost of the work which has been performed under § 48-3 herein, and the Township Council shall examine the certificate and, if it finds the amount to be correct, the Council shall cause the costs as shown thereon to be charged against said lands, the amount so charged shall forthwith become a lien upon the lands and shall be added to and become and form part of the taxes next to be assessed and levied upon the lands, and the same shall bear interest at the same rate as taxes and shall be collected and enforced by the same officer and in the same manner as taxes.

§ 48-5. Exempt property.

A. This Ordinance shall not apply to any property that is devoted to agriculture and subject to the right to farm provisions of Chapter 73 of the Code of the Township of Franklin, provided that the standard of good agricultural practices set forth in that Chapter are maintained.

B. Provided that the minimum standards with respect to the public health, safety and welfare established in § 48-2 are maintained, this Ordinance shall not apply to any property that is owned or maintained by a property owners' association established as part of a subdivision or site plan granted pursuant to the Land Use and Development Provisions of Chapter 90 of the Code of the Township of Franklin, which said property shall be maintained in accordance with the standards established by the association in its rules, regulations and by-laws.

SECTION II: Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason by any Court of competent jurisdiction, such provision(s) shall be deemed severable and the remaining portions of this Ordinance shall remain in full force and effect.

SECTION III. Repealer. All ordinances or parts of ordinances or resolutions that are inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

SECTION IV. Effective Date. This ordinance shall take effect after the second reading, public hearing, adoption and publication, in accordance with the law.

NOTICE IS HEREBY GIVEN that the foregoing Ordinance 2012-4 was introduced at a meeting of the Township Council of the Township of Franklin in the County of Warren and State of New Jersey, held on March 5, 2012, and will be further considered for final passage after public hearing thereon at a regular meeting of said Township Council on April 2, 2012.

Dated: March 5, 2012

Denise L. Cicerelle, Municipal Clerk

On motion by Committeeperson and seconded by
Committeeperson the aforenoted **Ordinance 2012-4** be adopted at first reading. Final reading and adoption to take place on **April 2, 2012 at 7:00 p.m.**

Roll Call Vote	Yes	No	Absent/Abstain
Jacob Pence			
Joe Flynn			
Sarah Payne			
Michael Toretta			
Bonnie Butler, Mayor	() Yes	() No	() Absent
			Motion carried

On motion by Committeeperson and seconded by
Committeeperson the aforenoted **Ordinance 2012-4** be adopted at final reading.

Roll Call Vote	Yes	No	Absent/Abstain
Jacob Pence			
Joe Flynn			
Sarah Payne			
Michael Toretta			
Bonnie Butler, Mayor	() Yes	() No	() 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 February 6, 2012. Second reading, public hearing will be held on March 5th, 2012 at or near 7:00 PM in the Franklin Township Municipal Building, 2093 Rt. 57, Broadway, New Jersey.

Denise L. Cicerelle, RMC/CMR

The following **Ordinance 2012-5** was presented for First Reading/Introduction

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

Ordinance No. 2012-5

**AN ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE TOWNSHIP OF FRANKLIN
TO UPDATE SUBMISSION REQUIREMENTS FOR APPLICATIONS FOR DEVELOPMENT**

WHEREAS, the Highlands Water Protection and Planning Act (“Highlands Act,” N.J.S.A. 13:20-1 et seq.) was enacted by the State Legislature on August 10, 2004 for the purpose of protecting, enhancing, and restoring the natural resources of the New Jersey Highlands Region, in particular the water resources, which provide drinking water to over 5 million New Jersey residents; and

WHEREAS, the Highlands Act created the Highlands Water Protection and Planning Council (the “Highlands Council”) and charged it with crafting a comprehensive master plan for the New Jersey Highlands Region; and

WHEREAS, the Highlands Regional Master Plan was adopted by the Highlands Council through the adoption of Resolution 2008-27 on July 17, 2008, and became effective on September 8, 2008 as the product of a long-term, participatory, and region-wide planning effort; and

WHEREAS, Resolution 2008-27 included the adoption of Highlands Regional Master Plan as well as the adoption of various technical reports and guidelines that accompanied the Plan including the 2008 Plan Conformance Guidelines; and

WHEREAS, the Plan Conformance Guidelines provides an overview of the Highlands Act’s bifurcated system for municipal conformance with the Highlands Regional Master Plan – mandatory Plan Conformance for any portion (or if applicable, the whole) of a municipality located within the Preservation Area and voluntary Plan Conformance for any portion (or if applicable, the whole) of a municipality lying within the Planning Area; and

WHEREAS, Section 14 of the Highlands Act expressly requires that municipalities must revise and conform their local master plan and development regulations for that portion of their lands within the Preservation Area, as related to development and use of said lands, with the goals, requirements and provisions of the Regional Master Plan within 15 months of the effective date of adoption thereof, or December 8, 2009; and

WHEREAS, Section 15 of the Highlands Act provides for voluntary Plan Conformance where any municipality located wholly or partially in the Planning Area may at any time voluntarily revise and conform its local master plan and development regulations, as related to the development and use of land in the Planning Area, with the goals, requirements and provisions of the Regional Master Plan; and

WHEREAS, the Plan Conformance Guidelines details the requirements for Plan Conformance including amendments to the Environmental Resource Inventory, Master Plan, and Land Use Ordinance, which together are intended to achieve conformance with the Regional Master Plan and provide immediate protections to vital Highlands Resources; and

WHEREAS, the Plan Conformance Guidelines requires conforming municipalities to adopt Initial Revisions as a first step of Plan Conformance; the initial revisions are revisions of the existing master plan and development regulations which are deemed necessary by the Highlands Council for prompt enactment by a petitioning local government in order to ensure the protection and enhancement of the resources of the Highlands Region; and

WHEREAS, the Plan Conformance Guidelines includes the adoption of a Development Application Checklist Ordinance as an Initial Revision in order to ensure that any Application for Development not be deemed complete until such time as certain documents have been submitted by the Applicant and to ensure that Applications for Development are consistent or revised to be consistent with the Regional Master Plan; and

WHEREAS, the Township of Franklin is located in the Highlands Region with lands lying within both the Preservation Area and the Planning Area, as defined by section 7 of the Highlands Act; and

WHEREAS, the Governing Body of the Township of Franklin has, on behalf of the municipality, petitioned the Highlands Council for Plan Conformance with respect to Township lands located within the Preservation Area portion of the Highlands Region; and

WHEREAS, the Petition filed with the Highlands Council contains proposed amendments to the municipal planning program, including amendments to the Environmental Resource Inventory, Master Plan, and Land Use

Ordinance, which together are intended to achieve conformance with the Regional Master Plan and provide immediate protections to vital Highlands Resources located within the Township; and

WHEREAS, the Governing Body finds that the proposed changes to the municipal planning program are of broad and significant effect, are vital to the protection of the Highlands resources of the municipal Highlands Area, and are compelling to the interests and general welfare of the community; and

WHEREAS, the Governing Body recognizes that the formal municipal adoption of each component of the revised planning program must take place, in sequential order in accordance with all statutory requirements, involving public hearings and deliberation by the Environmental and Open Space Commission, Land Use Board, and Governing Body; a process that will require an additional undetermined period of time; and

WHEREAS, an immediate level of protection to the resources located within the Highlands Region by adoption of revised submission requirements pertinent to Applications for Development therein is required by the Plan Conformance Guidelines; and

WHEREAS, the adoption of revised submission requirements pertinent to Applications for Development therein is essential to ensuring that Applicants achieve compliance with the standards and protections required under the Highland Regional Master Plan despite the interim status of the municipal Plan Conformance ordinances and regulations, this interim period not constituting an appropriate instance in which municipal approvals based upon existing municipal regulatory requirements, can appropriately be issued conditioned upon subsequent approval by the Highlands Council or the New Jersey Department of Environmental Protection (NJDEP), as may occur under usual circumstances; and

WHEREAS, the Governing Body finds that the adoption of such submission requirements are important not only to provide such immediate resource protections, but to ensure the proper management of Applications for Development involving lands within the Highlands Area of the municipality; and

WHEREAS, the Highland Council deems the immediate protections ascribed by this Ordinance to lands in the Preservation Area of the municipality, eligible for application of the provisions of the Highlands Act at N.J.S.A. 13:20-22 and N.J.S.A. 13:20-24 regarding legal representation to municipalities filing for Plan Conformance and regarding the strong presumption of validity and extraordinary deference afforded to such ordinances;

NOW THEREFORE, BE IT ORDAINED by the Governing Body of the Township of Franklin that the Land Use Ordinance of the Township of Franklin be and is hereby amended to incorporate the following provisions:

SECTION 1

A. APPLICATIONS FOR DEVELOPMENT IN THE PRESERVATION AREA.

No Application for Development (as defined pursuant to the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) involving property located (or partially located) in the Preservation Area of the Highlands Region, for which application submission requirements apply under this Ordinance, shall be deemed complete or considered for review by the Township of Franklin Land Use Board until and unless the Applicant has obtained and provided a copy of:

1. A Consistency Determination from the Highlands Council indicating that the application is consistent with the Highlands Regional Master Plan;
2. A Consistency Determination from the Highlands Council indicating that the application is not consistent with the Highlands Regional Master Plan, accompanied by a certification, as detailed in Section 1.B below, by the Applicant's professional(s) that the application has been revised since review by the Highlands Council to achieve consistency with the Highlands Regional Master Plan; or
3. A Highlands Preservation Area Approval issued by the NJDEP.

B. FINDINGS OF INCONSISTENCY. Where a Highlands Council Consistency Determination indicates that an Application for Development is inconsistent with the Highlands Regional Master Plan, no such application shall be deemed complete or considered for review by the Township of Franklin Land Use Board, until or unless the Applicant has obtained from the professional(s) responsible for preparation of the Applicant's plans, a certification indicating that to the best of the knowledge and abilities of such professional(s), the plans have been revised to achieve consistency with the Highlands Regional Master Plan and specifically describing the revisions made to achieve such consistency.

C. EXCLUSIONS. The following specific improvements and related applications shall be excluded from the provisions of this Section:

1. Any improvement to a single family dwelling in lawful existence as of the effective date of this Ordinance, provided that such improvement: a) is related and dedicated solely to the single-family residential use of either the dwelling or the property upon which it is situated; b) results in results in the ultimate disturbance of less

than one (1) acre of land; and c) produces a cumulative impervious surface area of less than one-quarter ($\frac{1}{4}$) acre.

2. The reconstruction, within the same footprint, of any building or other structure lawfully existing as of the effective date of this Ordinance, in the event of its destruction or partial destruction by fire, storm, natural disaster, or any other unintended circumstance.
3. The repair or maintenance of any building or other structure lawfully existing as of the effective date of this Ordinance. This exclusion shall not be construed to permit repairs or maintenance activities that alter the footprint of such building or structure.
4. The interior improvement, rehabilitation, or modification of any building or other structure lawfully existing as of the effective date of this Ordinance. This exclusion shall not be construed to permit activities that alter the footprint of such building or structure.
5. The attachment of signs or other ornamentation to any building or structure, to the installation of windows, doors, chimneys, vents, shafts, heating, ventilation, or air conditioning equipment, or to any other such improvement to a building or structure provided it occupies a surface area footprint of not more than 50 square feet. This exclusion shall not be construed to permit ultimate disturbance or cumulative impervious surface in excess of that provided at 1, above, for single-family dwellings.
6. Any improvement or alteration to a building or other structure lawfully existing as of the effective date of this Ordinance, where such improvement or alteration is necessary for compliance with the provisions of the Americans with Disabilities Act, or to otherwise provide accessibility to the disabled.
7. Any activity, improvement or development project located (or partially located) in the Preservation Area deemed by NJDEP to constitute a non-Major Highlands Development in a Highlands Applicability Determination issued pursuant to N.J.A.C. 7:38-2.4.

D. EXEMPTIONS. Any activity, improvement or development project listed and demonstrated to constitute a Highlands Act exemption shall be exempt from the provisions of this Section.

1. Demonstration of a Highlands Act exemption for an Application for Development involving lands located (or partially located) in the Preservation Area shall consist of a Highlands Applicability Determination issued by the NJDEP pursuant to N.J.A.C. 7:38-2.4.

E. WAIVER. The Township may issue a waiver from the provisions of this Section where it can be established by the Applicant and can be verified by the designated representative(s) of the Township that:

1. The activity, improvement or development proposed by the subject Application for Development has not yet been formally determined to be exempt from the Highlands Act, but eligibility for an exemption has been sufficiently established by the Applicant; or
2. The activity, improvement or development proposed in the Application for Development will neither encroach upon a Highlands Resource or Highlands Resource Area, nor be of detrimental impact to any Highlands resource or Highlands Resource Area as these are identified and delineated in the Highlands Regional Master Plan. The Applicant's professional(s) responsible for preparation of the Applicant's plan shall establish compliance of the above through a formal certification specifically addressing the Highlands Resources and Resource Areas and related policies and objectives as identified in Chapter 4 of the Highlands Regional Master Plan.

F. HIGHLANDS COUNCIL CALL-UP. All municipal waivers or findings of application completeness issued pursuant to this Section shall be subject to Highlands Council call-up review and the municipality shall specifically include conditions of this review consistent with this paragraph. In all such cases, the municipality shall within five (5) calendar days of issuance, provide notice to the Applicant and to the Highlands Council of any waiver or finding of application completeness made pursuant to this Section. The Highlands Council call-up review period shall expire 15 calendar days following its receipt of such notice. Absent any notice to the municipality from the Highlands Council within that timeframe, the application shall be considered complete, with the date of the waiver or application completeness to be as of the date of first issuance by the municipality. Upon determining to exercise this authority for call-up review, the Highlands Council shall transmit notice to the Applicant and the municipality.

G. DEFINITIONS. For the purpose of this Ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Ordinance clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

Applicant – means any entity applying to the Board of Health, Planning Board, Zoning Board of Adjustment, Zoning Officer, Construction Official or other applicable authority of the municipality for permission or approval to engage in an activity that requires an Application for Development.

Application for Development – means the application form and all accompanying documents required by ordinance for approval of a subdivision plat, site plan, planned development, conditional use, zoning variance, or direction of the issuance of a permits pursuant to section 25 or section 27 of P.L.1975, c.291 (C.40:55D-34 or C.40:55D-36).t

Disturbance – means the placement of impervious surface, the exposure or movement of soil or bedrock, or the clearing, cutting, or removing of vegetation.

Disturbance, Ultimate – means the total existing or proposed area of disturbance of a lot, parcel, or other legally designated (or otherwise legally recognized) tract or subdivision of land, for the purpose of, and in connection with, any human activity, property improvement, or development, including the surface area of all buildings and structures, all impervious surfaces, and all associated land disturbances such as excavated, filled, and graded areas, and all lawn and landscape areas. Ultimate disturbance shall not include areas of prior land disturbance which at the time of evaluation: a) contain no known man-made structures (whether above or below the surface of the ground) other than such features as old stone rows or farm field fencing; and b) consist of exposed rock outcroppings, or areas which, through exposure to natural processes (such as weathering, erosion, siltation, deposition, fire, flood, growth of trees or other vegetation) are no longer impervious or visually obvious, or ecologically restored areas which will henceforth be preserved as natural areas under conservation restrictions.

Highlands Council – means the New Jersey Highlands Water Protection and Planning Council.

Highlands Act – means the Highlands Water Protection and Planning Act, P.L. 2004, c.120, as amended, codified in part at N.J.S.A. 13:20-1 et seq.

Highlands Applicability Determination – means the determination made by the NJDEP of whether a project proposed for the Preservation Area is a major Highlands development, whether any such major Highlands development is exempt from the Highlands Act, and whether the project is consistent with the applicable Areawide Water Quality Management Plan.

Highlands Area – means that portion of the municipality for which the land use planning and regulation are in conformance with, or are intended or proposed to be in conformance with, the Highlands Regional Master Plan.

Highlands Preservation Area Approval (HPAA) – means a permit to engage in a regulated activity in the Highlands Preservation Area issued by the NJDEP pursuant to the Highlands Act and the NJDEP Highlands Water Protection and Planning Act Rules (N.J.A.C. 7:38), including an HPAA that contains a waiver pursuant to N.J.S.A. 13:20-33b. Highlands Preservation Area Approval includes Highlands general permits issued pursuant to N.J.S.A. 13:20-33d and promulgated at N.J.A.C. 7:38-12. HPAA, when used in this Ordinance, includes Highlands general permits unless explicitly excluded.

Highlands Region – means all that area within the boundaries of the municipalities listed in subsection a. of section 7 of the Highlands Act.

Impervious Surface – means any structure, surface, or improvement that reduces or prevents absorption of stormwater into land, including, but not limited to, porous paving, paver blocks, gravel, crushed stone, decks, patios, elevated structures, and other similar structures, surfaces, or improvements.

Impervious Surfaces, Cumulative – means the total area of all existing or proposed impervious surfaces situated or proposed to be situated within the boundary lines of a lot, parcel, or other legally recognized subdivision of land, expressed either as a measure of land area such as acreage, or square feet, or as a percentage of the total lot or parcel area.

Municipal Land Use Law (MLUL) – means the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1 *et seq.*

NJDEP – New Jersey Department of Environmental Protection

NJDEP Preservation Area Rules – means the regulations established by the NJDEP to implement requirements of the Highlands Act, titled “Highlands Water Protection and Planning Act Rules,” and codified at N.J.A.C. 7:38-1 *et seq.*

Planning Area – means lands within the Highlands Region not within the Preservation Area (N.J.S.A. 13:20-7).

Plan Conformance – means the process by which a municipality revises the master plan, development regulations and other regulations related to the development and use of land to conform them with the goals, requirements, and provisions of the Regional Master Plan in accordance with the Highlands Plan Conformance Guidelines.

Preservation Area – means that portion of the Highlands Region so designated by subsection b. of section 7 of the Highlands Act.

Regional Master Plan – means the Highlands Regional Master Plan or any revision thereof adopted by the Highlands Council pursuant to N.J.S.A. 13:20-8.

Structure – A combination of materials to form a construction for occupancy, use or ornamentation whether installed on, above, or below the surface of a parcel of land.

SECTION 2

Copies of this Ordinance are on file in the office of the Municipal Clerk located at 2093 Route 57, P.O. Box 547, Broadway, New Jersey 08808 for public inspection or purchase during regular weekday business hours (8:30 a.m. to 4:30 p.m.).

SECTION 3

The municipal Clerk is directed to give notice at least ten days prior to the hearing on the final adoption of this Ordinance to the clerks of all adjoining municipalities and the Warren County Planning Board, and to all others entitled to notice under N.J.S.A. 40:55D-15 and N.J.S.A. 40:55D-63. Upon final passage of this Ordinance, the municipal Clerk is further directed to publish notice of passage and to file a copy of this Ordinance as finally adopted with the Warren County Planning Board as required by N.J.S.A. 40:55D-16.

SECTION 4

If any portion, paragraph, clause, sentence or phrase of this Ordinance is determined to be invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining portions of this Ordinance.

SECTION 5

All ordinances or parts thereof inconsistent herewith are hereby repealed to the extent of such inconsistency only.

SECTION 6

This Ordinance shall take effect after final passage and publication in the manner prescribed by law.

On motion by Committeeperson Sarah Payne and seconded by Committeeperson Joe Flynn the aforesaid
Ordinance 2012-5 be adopted at first reading. Final reading and adoption to take place on **April 2, 2012 at 7:00 p.m.**

Roll Call Vote	Yes	No	Absent/Abstain
Jacob Pence	X		
Joe Flynn	X		
Sarah Payne	X		
Michael Toretta	X		
Bonnie Butler, Mayor	X(5)	Yes (0) No (0) Absent	Motion carried

On motion by Committeeperson and seconded by
Committeeperson the aforesaid **Ordinance 2012-4** be adopted at final reading.

Roll Call Vote	Yes	No	Absent/Abstain
Jacob Pence			
Joe Flynn			
Sarah Payne			
Michael Toretta			
Bonnie Butler, Mayor	(0) Yes () No () 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 March 5, 2012. Second reading, public hearing will be held on April 2, 2012 at or near 7:00 PM in the Franklin Township Municipal Building, 2093 Rt. 57, Broadway, New Jersey.

Denise L. Cicerelle, RMC/CMR

The following **Ordinance 2012-6** was presented for First Reading/Introduction

**TOWNSHIP OF FRANKLIN
WARREN COUNTY, NEW JERSEY
ORDINANCE NO. 2012-6**

**AN ORDINANCE AMENDING EXISTING CHAPTER 55
ENTITLED, "CONSTRUCTION CODES, UNIFORM" FOR
THE PURPOSE OF REVISING A FEE SCHEDULE**

BE IT ORDAINED by the Mayor and Committee of the Township of Franklin, Warren County, New Jersey that Chapter 55 of the Code of the Township of Franklin entitled, "Construction Codes, Uniform" be amended by the revision of existing §55-4 to read as follows:

SECTION I

§55-4. Fee schedule.

A. Except as specifically set forth below, plan review and construction permit fees shall correspond with the fees established in N.J.A.C. 5:23-4.20 as said Administrative Code Subchapter may be amended from time to time.

B. In addition to the fees established for photovoltaic systems set forth in N.J.A.C. 5:23-4.20 (c)(2)(iii)(13), there shall be an additional electrical subcode permit fee for commercial solar systems as follows:

- (1) 1-100 modules, the fee shall be \$150.00;
- (2) 101 – 250, the fee shall be \$375.00;
- (3) 251 – 500, the fee shall be \$700.00;
- (4) Greater than 500 modules, the fee shall be an additional \$1.00 per module.

All other electrical devices, other than solar photovoltaic modules shall be a separate fee based on the ampere or kilowatt rating of the device.

SECTION II: Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason by any Court of competent jurisdiction, such provision(s) shall be deemed severable and the remaining portions of this Ordinance shall remain in full force and effect.

SECTION III. Repealer. All ordinances or parts of ordinances or resolutions that are inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

SECTION IV. Effective Date. This ordinance shall take effect after the second reading, public hearing, adoption and publication, in accordance with the law.

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced at a meeting of the Township Council of the Township of Franklin in the County of Warren and State of New Jersey, held on March 5, 2012, and will be further considered for final passage after public hearing thereon at a regular meeting of said Township Council on April 2, 2012.

Dated: _____

Denise L. Cicerelle, Clerk

On motion by Committeeperson Michael Toretta and seconded by Committeeperson Joe Flynn the aforesaid **Ordinance 2012-6** be adopted at first reading. Final reading and adoption to take place on **April 2, 2012 at 7:00 p.m.**

Roll Call Vote	Yes	No	Absent/Abstain
Jacob Pence	X		
Joe Flynn	X		
Sarah Payne	X		
Michael Toretta	X		

Bonnie Butler, Mayor

X

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

On motion by Committeeperson and seconded by
Committeeperson the aforenoted **Ordinance 2012-6** be adopted at final reading.

Roll Call Vote

Yes No Absent/Abstain

Jacob Pence

Joe Flynn

Sarah Payne

Michael Toretta

Bonnie Butler, Mayor

() Yes () No () 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 March 5, 2012. Second reading, public hearing will be held on April 2, 2012 at or near 7:00 PM in the Franklin Township Municipal Building, 2093 Rt. 57, Broadway, New Jersey.

Denise L. Cicerelle, RMC/CMR

PUBLIC HEARING AND CONSIDERATION OF:

The following **Ordinance 2012-3** was presented for Final Reading/Adoption

**TOWNSHIP OF FRANKLIN
ORDINANCE NO. 2012-3**

AN ORDINANCE AUTHORIZING THE APPLICATIONS FOR CHARITABLE SOLICITATION PERMITS FOR FRANKLIN FIRE COMPANY AND FRANKLIN TOWNSHIP RESCUE SQUAD'S "COIN DROP" EVENTS FOR THE YEAR 2011 IN THE TOWNSHIP OF FRANKLIN, COUNTY OF WARREN, NEW JERSEY

MOTION: To open Public Hearing for Ordinance 2012-3 by Sarah Payne, seconded by Joe Flynn.

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

PUBLIC COMMENTS: none

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

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

The within **Ordinance 2012-3** was moved by Joe Flynn and seconded by Jacob Pence and upon roll call vote was adopted.

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

DISCUSSIONS/APPROVALS

Franklin Township PTA (Raffles RA 2012-1 / 50/50 / 3-16-2012, RA 2012-2 / Tricky Tray / 3-31-2012, RA 2012-3 / 50/50 / 3-31-2012)

On motion by Bonnie Butler and seconded by Mike Toretta to approve raffles RA 2012-1, RA 2012-2, RA 2012-3. Unanimous Vote. Sarah Payne abstained from the vote.

PNC Bank purchased BAN at a 2.10% interest rate (total Principal amount \$1,085,000; mature date of February 20, 2013)

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.

2012 Municipal Alliance County Contract (CY 2012 contract between the County of Warren and Franklin Township's Municipal Alliance Program)

The within contract was moved by Joe Flynn and seconded by Sarah Payne to approve/execute accordingly.

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

REPORTS/UPDATES

Attorney Report – Report on File.

Additional for executive session discussion.

Jim Onembo – Code Enforcement/Zoning - absent

Roger Bulava – Recycling

Mr. Bulava updated committee as to Don Ron Recycling for possible use at this year's Spring Clean Up. Will discuss with neighboring municipalities who will be using this vendor in the near future. Roadside cleanup would like to keep this grant money for the fire/squad/youth association and other groups such as scouts referring to the county.

Rescue Squad – Chief Karen Chiu

Ms. Chiu advised that she will present a 1/4ly report in lieu of a monthly report.

OEM/Fire Department – Chief Sonny Read

Report submitted to committee and on file

Committeeman Toretta commented that he attended the fire department's breakfast and it was wonderful very good job.

OPEN SPACE REPORT:

No one present

DPW REPORT:

Mr. Read submitted his report and on file. Advised of a problem up by 104 Millbrook Road, major washout. Engineer Finelli will look into this problem. Accumulation of cigarette butts by the community center entrance, a dispenser needs to be purchased. There are two cinder blocks missing in the outside wall of the municipal building, Breslin will repair. Bill Hodge Electric will be here soon to put up new light fixtures. Damaged ceiling tiles throughout the municipal building have been replaced any new stains we should let Committeeman Flynn know about it to notify the architect. The recreation fields are done early due to the weather we have been having. Community Center has a lot of garbage and debris strewn around and the floor when being mopped is being mopped to the corner by the doors and blows back in. Roll away bleachers are being left in front of the bay door creating a fire hazard.

TOWNSHIP COMMITTEE REPORTS:

Joe Flynn

Updated committee as to the Historical Commission 100 year celebration. Attempting to receive donations but is very difficult. Mr. Flynn would like a number not to exceed for the cost of port-a johns, tents. Attorney to look into this how funds to be covered. Last year we cleared \$17,600 with community center rentals, this year we are at \$20,000. The use of this facility has grown dramatically. Workshop meeting next Monday to discuss the future of the community center and its uses.

Jacob Pence

Nothing to comment

Sarah Payne

Committeeperson Payne updated committee as to the PAIC audit. Recommendations included: purchase of first aid kits in each DPW vehicle, surveillance camera installed at the municipal garage/recycle center. Road Foreman Read presented three quotes and we are at a position to accept as follows:

1. Apex Telecom \$3470.00
2. J&B Contracting \$4184.00
3. JPM Company \$3840.00

On motion by Sarah Payne and seconded by Michael Toretta to accept the quote from APEX Telecom in the amount of \$3470.00.

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

Last recommendation from insurance was to re-caulk the exterior outside wall joints. Committeeman Flynn commented that this was a suggestion from the Architect when doing the roof. Possible that Breslin can do this work. Mr. Flynn will look into quotes for this job.

Michael Toretta

Committeeman Toretta updated the committee as to replace two mowers for the DPW and replace with one new one. Quotes were received as follows:

1. John Deere Z925A Commercial ZTrak with 60 in. 7-Iron Pro Deck SKT11646 \$9550.00
2. John Deere Z930A Commercial ZTrak with 60 in. 7-Iron Pro Mulch-On-Demand Deck SKT11649 \$10,700
3. Frank Rymon & Sons Ferris IS3100 zero turn mower 30 hp. Big Block engine 60 in. cut \$8750.00 with a trade in of already owned Toro zero turn mower \$1900 and Trade in exmark zero turn mower \$1800 the cost would be \$5050
4. Frank Rymon & Sons Ferris IS3100 zero turn 61" cut 30hp Briggs and Stratton Big Block engine \$8750.00

On motion by Michael Toretta and seconded by Sarah Payne to accept the quote received from Frank Rymon & Sons the Ferris IS3100 zero turn mower 30hp. Big Block engine 60in. but with 2 trade ins at a total cost of \$5050.00.

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

Suggestion to suspend the Open Space Tax this year to give taxpayers a break, right now we are at 6.5 cents. This will need to be looked into further with our auditors since the budget was just introduced and approved by title.

Bonnie Butler, Mayor

Mayor Butler updated committee as to the Big Brothers/Big Sisters Bowl-A-Thon April 28th looking for committee representation. Warren County Board of Health will provide us now with a monthly report as to what is going on in our township. An article was provided to committee as to a spill in Lebanon Township with a spill that happened 19years ago.

OPEN PUBLIC SESSION

Joel Reger thanked the committee not to pursue the recreation fields. Mr. Reger also read a letter he wrote of opposition as to his opinions with the ball field project.

Karen Chiu thanked the fire company for a wonderful breakfast this past Saturday. Also commented as to Mr. Reger's letter of opposition. Ms. Chiu addressed to committee as to her daughter purchasing a home on Montana Road if a mirror could be installed to assist in her coming out of driveway on a very bad bend in the road. Mayor advised Road Foreman to install.

EXECUTIVE SESSION

BE IT RESOLVED, on this 5th day of March, 2012, 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

LITIGATION/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 5th, day of March, 2012 by the Franklin Township Committee, that the matter stated will be discussed in executive session, said session to commence at 9:05 p.m.

On Motion by Joe Flynn and seconded by Jacob Pence to exit to executive session at 9:05 pm. Unanimous Vote.

On motion by Sarah Payne and seconded by Joe Flynn to return to the regular session at 9:39 p.m. Unanimous Vote.

On motion by Michael Toretta and seconded by Joe Flynn, to execute the contract with Knowlton Township with amendments.

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

On motion by Bonnie Butler and seconded by Michael Toretta, to pay appropriate bills excluding the bill from Service Experts until quote received for maintenance contract from Matt Corby.

Roll Call:	Yes	No	Absent	Abstained	
Jacob Pence	X				
Joe Flynn			X		
Michael Toretta			X		
Sarah Payne	X				
Mayor, Bonnie Butler	X		(3) Yes (0) No (2) Absent		Motion carried

On motion by Sarah Payne and seconded by Michael Toretta, hearing no objection, meeting stands adjourned at 9:52 pm.

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

Respectfully submitted,

Denise L. Cicerelle, RMC/CMR
Municipal Clerk