

REGULAR MEETING

The Franklin Township Committee held its regular monthly meeting at 7:00 pm on Monday, May 7, 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 (joined meeting at 8:45 pm), Denise L. Cicerelle, Municipal Clerk, Ron Read, DPW Foreman, Raymond Read, OEM/Fire Chief, Michael Finelli, Engineer, Kevin Benbrook, Attorney, Jim Onembo, Zoning, Roger Bulava, Recycling.

Following the flag salute

ROLL CALL OF COMMITTEE MEMBERS PRESENT: Bonnie Butler, Michael Toretta, Sarah Payne, Jacob Pence (4) Yes (1) Absent, Joe Flynn

The Regular Meeting Minutes of April 2, 2012 were accepted on motion by Sarah Payne, and seconded by Jacob Pence, (4) Yes (1) Absent, Joe Flynn. Executive Meeting Minutes of April 2, 2012 were accepted on motion by Michael Toretta, and seconded by Sarah Payne, (4) Yes (1) Absent, (Joe Flynn).

REPORT/UPDATE:

NJSP

A representative from the New Jersey State Police was present reporting the following statistics for the month of April. 15 Medical Assists, 3 Motor Vehicle Accidents, 178 Traffic Stops, 55 Property Checks, 1 Criminal Mischief, 2 Domestic Dispute, 24 Alarms, 12 Critical Infrastructures, 2 Assaults, 1 Harassment.

Warren County Community College

Dr. William Austin, President and Samir Elbassiouny, Executive Director of the college presented to the committee the 2011 Annual Community Report. The college is governed by the Board of Trustees and is a legal entity. Alan Lowcher, member of the Board of Trustees was also present this evening. Increased enrollment since 2009 with a number of graduates in 2011 at 262. The library facility was expanded and completed in September, 2010 and opened to the students and staff and public on October 17, 2011. The expansion project was financed by the students of the college. Also the college renovated a 52,000 sq. ft. satellite site located at 445 Marshall Street in Phillipsburg, providing 11 classrooms, 2 computer labs and 2 medical assisting labs. This acquisition was funded by Chapter 12 bonds. Specialty Programs include; Nursing, Technology, Fine Arts and Criminal Justice. During 2011 the college awarded a total of \$4,100,154 in financial aid to 924 students from grants and loans. Fundraisers for the college include WC Hall of Fame, Golf Classic and the Celebrity Waiter Comedy Dinner.

ENGINEER REPORT:

Mike Finelli, updated the committee with ongoing projects. As to the Halfway House Road Retaining Wall Project, 2 bids were received:

1. KG Marine Contracting, Manahawkin, NJ, total bid amount of \$179,740.00
2. Montana Construction Corp., Inc., Lodi, NJ total bid amount of \$395,470.00

Based upon the bids received, both amounts are well above the engineer’s cost and grant monies received.

On motion by Michael Toretta and seconded by Sarah Payne to reject both bids.

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

On motion by Bonnie Butler and seconded by Sarah Payne to rebid the above project with the plans being revised to allow closure of the road during construction and providing a detour.

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

Mayor Butler addressed Mr. Finelli as to use of the Clean Community Grant money for a poster contest in hopes to gain additional points toward our annual Stormwater Report. The mayor is waiting to speak with Cindy Randazzo of the NJDEP.

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 continue to work on the design of the regional stormwater management basin in an effort to develop the construction plans for the project. The design of this project has proved somewhat challenging in conjunction with the stormwater management evaluation for the canal. We have recently been successful in developing a design scheme that we believe will satisfy the stormwater management design requirements.
- Our office has recently spoken with the NJDEP representative coordinating and administering this project, Mr. James Watt. We provided Mr. Watt with an update and he was both pleased to receive a phone call from our office and also pleased with our update on the status of the project. Mr. Watt encouraged our office, on behalf of Franklin Township, to submit an extension request letter to the NJDEP in order to make certain that any necessary extension is granted well in advance of the project deadline of August, 2012. Mr. Watt confirmed that any extension request will absolutely be granted by the NJDEP based upon the progress made on the project to date.
- 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
(No change since last month’s report)

- 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.

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

- Please refer to our engineer's report, December 2, 2011, for previously provided information regarding this project.
- Our office has finally received a quote from A&A Curbing Inc. (the original contractor on the project) for the additional work required in the areas adjacent to the Asbury Deli. Their proposal was in the amount of \$15,300. Their work would also include some other miscellaneous sidewalk and handicap ramp replacement/upgrade work. At the April 2, 2012 Township Committee meeting, the Township Committee awarded a change order to A&A Curbing in the amount of 15,300 to perform the outstanding work in question.
- Our office has notified A&A of the Township Committee's decision and A&A is presently scheduling the work in question in order to complete the project. As of the date of this report, I do not have a confirmed start date, but we will continue to coordinate with the contractor in an effort to get the project completed as soon as possible.

HALFWAY HOUSE ROADWAY STABILIZATION PROJECT

- As you are all aware, we were successful in securing an NJDOT Discretionary Grant for this project in the amount of \$115,000.
- 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.
- Our office completed the construction plans and specifications and put the project "out to bid" in mid-April, 2012. The bid opening was held on May 3, 2012 at the Municipal Building where two (2) bids were received for the project. Both bids were in excess of the engineer's estimate and the DOT grant amount. Our office will be issuing a separate correspondence on this project outlining the options available to the Township in order to move this project forward.

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 previously 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. As a result, it is my understanding that the Beidelman Road project is still feasible, but the Sigler property project may not be economically viable. I would recommend that Mr. Kotzias attend a future Township Committee meeting to give the Township Committee an update regarding the status of both sites and

Alethea's position on proceeding forward. 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.

- As per Mayor Butler's request, our office, at the April 2, 2012 meeting, provided the Township Committee with copies of a plan entitled "Possible Property Reconfiguration Plan," prepared by our office, dated October, 2010, for the Sigler property. I forwarded this plan to the Committee in an effort to spur on some discussion relative to potential options for the property should the Solar Farm concept not proceed forward. Attorney Benbrook then provided the Township Committee with an update regarding the likelihood and economic feasibility of the conversion of both the Beidelman Road property and the Sigler property to Solar Farms as per the current lease agreement with Alethea.

FEMA LOCAL AID INFRASTRUCTURE FUNDING

(No change since last month's report)

- 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.
- As per an e-mail which was sent to the Township Committee and other involved municipal representatives by me on March 30, 2012, I received notification of a pending FEMA disbursement in the amount of \$12,811.67 associated with the Stewartsville Road repair work. This amount reflects 75% of the total amount of monies expended for the project which was \$17,082.22.

Open Public Session – As to Engineer's Report Only

At this time Mayor Butler opened up the floor for any comments only for the Engineer.

No Comments heard from the community.

The following **Resolution 2012-55** was presented for First Reading/Adoption

GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT FORM OF RESOLUTION

RESOLUTION 2012-55

WHEREAS, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual

audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2011 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the Township Committee of the Township of Franklin, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

On motion by Sarah Payne and seconded by Michael Toretta the aforesaid **Resolution 2012-55** be adopted as read.

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

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE RESOLUTION PASSED AT THE MEETING HELD ON May 7, 2012.

Denise L. Cicerelle, Municipal Clerk

Dated: May 7, 2012

NO PHOTO COPIES OF SIGNATURES

STATE OF NEW JERSEY
COUNTY OF WARREN

We, members of the governing body of the Franklin Township Committee, in the County of Warren, being duly sworn according to law, upon our oath depose and say:

1. We are duly elected members of the Franklin Township Committee of the Township of Franklin in the county of Warren;
2. In the performance of our duties, and pursuant to N.J.A.C. 5:30-6.5, we have familiarized ourselves with the contents of the Annual Municipal Audit filed with the Clerk pursuant to N.J.S.A. 40A:5-6 for the year 2010;
3. We certify that we have personally reviewed and are familiar with, as a minimum, the sections of the Annual Report of Audit entitled "Comments and Recommendations."

(L.S.)
(L.S.)
(L.S.)
(L.S.)
(L.S.)

(L.S.)
(L.S.)
(L.S.)
(L.S.)
(L.S.)

Clerk

Sworn to and subscribed before me this
_____ Day of

Notary Public of New Jersey

The Municipal Clerk (or Clerk of the Board of Chosen Freeholders as the case may be) shall set forth the reason for the absence of signature of any members of the governing body.

IMPORTANT: This certificate must be sent to the Bureau of Financial Regulation and Assistance, Division of Local Government Services, P.O. Box 803, Trenton, New Jersey 08625.

The following **Resolution 2012-56** was presented for First Reading/Adoption

RESOLUTION 2012-56

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	\$130
45 Thatcher Avenue	35	5	Genaro B. Rodrigues	\$ 70
74 Good Springs Road	27	4.08	Michael & Constance Horn	\$ 70

On motion by Jacob Pence and seconded by Sarah Payne the aforementioned **Resolution 2012-56** 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		

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

Dated: May 7, 2012

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 May 7, 2012.

Denise L. Cicerelle, RMC/CMR
Municipal Clerk

The following **Resolution 2012-57** was presented for First Reading/Adoption

RESOLUTION 2012-57

APPOINTMENT OF COURT PERSONNEL

WHEREAS, the administration of the Municipal Court requires the appointment of a Prosecutor, Judge and Court Administrator, to perform duties of the Franklin Township Municipal Court, located in Columbia, New Jersey; and

WHEREAS, Franklin Township will be sharing a Municipal Court with the Township of Knowlton; and

WHEREAS, Franklin Township will also be sharing a Prosecutor, Judge and Court Administrator with Knowlton Township;

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Franklin, County of Warren, State of New Jersey, to approve the appointment of the Prosecutor, Judge and Court Administrator for Franklin Township Municipal Court as approved by Knowlton Township, effective May 1, 2012.

On Motion by Michael Toretta and seconded by Jacob Pence to approve **Resolution 2012-57** be adopted as read. Introduced and Approved on May 7, 2012.

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

(X) Yes (0) No (1) Absent Motion Carried

CERTIFICATION

I, Denise L. Cicerelle, Municipal Clerk of the Township of Franklin, Warren County, New Jersey is a true and correct copy of a Resolution approved by the Township Committee of the Township of Franklin at a regular meeting held on May 7, 2012.

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

The following **Resolution 2012-58** was presented for First Reading/Adoption (Not adopted due to Bids rejected for the Halfway House Road Stabilization Project) Project to be rebid by Engineer's Office

The following **Resolution 2012-59** was presented for First Reading/Adoption

**TOWNSHIP OF FRANKLIN
WARREN COUNTY
AUDIT REPORT YEAR: 2011**

**CORRECTIVE ACTION PLAN
RESOLUTION 2012-59**

Whereas, the Township Committee of Franklin has received and reviewed the Annual Audit Report for the Year 2011 and;

Whereas, the Chief Financial Officer has prepared the following corrective action plan in accordance with the reports findings as follows;

Finance Office

Finding/Condition #1:

I noted various interfund balances at year-end.

Recommendation:

It is suggested that all interfunds be transferred to their respective funds. Remaining authorized debt should be issued to generate necessary cash flow to liquidate the interfund balances.

Explanation and Corrective Action:

Many accounts are run through the Township General Account as Interfund receivables and payables. A new Capital Checking account was opened last year to move money and payments through the Capital Account but some of the projects were not immediately liquidated by 12/31/11 and were cleared in early 2012. All attempts will be made to make sure all interfunds are liquidated to the accounts that have separate checking capabilities.

Implementation Date:

Completed.

Now, therefore be it resolved by the Township Committee of Franklin that a certified copy of this corrective action plan resolution be transmitted to the Director of Local Government Services.

The within **Resolution 2012-59** was moved by Jacob Pence and seconded by Sarah Payne and upon roll call vote was passed.

Roll Call Vote:	Yes	No	Absent/Abstained
Jacob Pence	X		
Sarah Payne	X		
Joe Flynn			X
Michael Toretta	X		
Mayor Bonnie Butler	X		
		(4) Yes (0) No (1) Absent	Motion carried

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 May 7, 2012.

Denise L. Cicerelle
Municipal Clerk

PUBLIC HEARING AND CONSIDERATION OF:

The following **Ordinance 2012-4** was presented for Final Reading/Adoption

**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”**

MOTION: To open Public Hearing for Ordinance 2012-4 by Jacob Pence, seconded by Michael Toretta.

Roll Call Vote	Yes	No	Absent/Abstained
Jacob Pence	X		
Sarah Payne	X		
Joe Flynn			X
Michael Toretta	X		
Bonnie Butler, Mayor	X		

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

PUBLIC COMMENTS:

Mark Blaszk asked for the explanation of the difference between the first ordinance and the amended one. Annabelle O’Brien questioned if this ordinance had something to do with the mowing of the detention basins. Ron and Terry DeTore questioned if this ordinance would come into effect with the piece of property next to their home in Valley Greene Estates. Attorney and Mayor both advised that this particular piece of property is an Open Space lot and this ordinance only targets residential building lots.

MOTION: To close Public Hearing by Michael Toretta, seconded by Sarah Payne.

Roll Call Vote	Yes	No	Absent/Abstained
Jacob Pence	X		
Sarah Payne	X		
Joe Flynn			X
Michael Toretta	X		
Bonnie Butler, Mayor	X		

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

On motion by Committeeperson Sarah Payne and seconded by Committeeperson Michael Toretta the aforementioned **Ordinance 2012-4** be adopted at final reading.

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

(4) Yes (0) No (1) Absent Motion carried

PUBLIC HEARING AND CONSIDERATION OF:

The following **Ordinance 2012-7** was presented for Final Reading/Adoption

ORDINANCE 2012-7

**AN ORDINANCE APPROPRIATING THE SUM OF \$22,250.00
CURRENTLY LOCATED WITHIN THE CAPITAL
IMPROVEMENT FUND OF THE TOWNSHIP OF
FRANKLIN FOR VARIOUS BUILDING IMPROVEMENTS, SECURITY/SURVEILLANCE
EQUIPMENT AND BUILDING FURNITURE
FOR TOWNSHIP BUILDINGS**

MOTION: To open Public Hearing for Ordinance 2012-7 by Jacob Pence, seconded by Michael Toretta.

Roll Call Vote	Yes	No	Absent/Abstained
Jacob Pence	X		
Sarah Payne	X		
Joe Flynn			X
Michael Toretta	X		
Bonnie Butler, Mayor	X		

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

PUBLIC COMMENTS:

Mark Blaszkza questioned the surveillance equipment that's included in this ordinance.

MOTION: To close Public Hearing by Michael Toretta, seconded by Sarah Payne.

Roll Call Vote	Yes	No	Absent/Abstained
Jacob Pence	X		
Sarah Payne	X		
Joe Flynn			X
Michael Toretta	X		
Bonnie Butler, Mayor	X		

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

On motion by Committeeperson Michael Toretta and seconded by Committeeperson Jacob Pence the aforementioned **Ordinance 2012-7** be adopted at final reading.

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

(4) Yes (0) No (1) Absent Motion carried

DISCUSSIONS/APPROVALS

Spring Clean Up

Received 2 quotes for clean up as follows:

Sanico; Cost per packer truck of trash \$535.00/load, Cost per container for trash \$195.00/pickup, Disposal cost of trash \$64.00/ton

Raritan Valley Disposal; Roll-Off Container System Pull Charge \$195.00 per pull, Tonnage Rate \$72.00 per ton, \$595.00 per packer, \$72.00 per ton.

Metal and Electronic Scrap Quotes (ONLY)

Donjon Recycling Electronic Recycling, No Fee/No Charge, Scrap Metal Recycling, pay on market conditions, Refrigerant Recovery from Appliances, \$15.00 charge per unit, Container Transportation, No Fee/No Charge.

Sanico Electronic Recycling, Computer \$5.00, LCD/Flat \$5.00, Glass Monitor \$10.00, (any size), TV's 27" or less \$15.00, TV's larger than 27" \$25.00.

Upon recommendation from Roger Bulava, Recycling Coordinator, to go with the quote from Sanico for Spring Clean Up and for Electronic and Scrap Metal Recycling, to go with the quote from DonJon Recycling.

On motion by Michael Toretta and seconded by Jacob Pence to approve quotes received as above from Sanico for Spring Clean Up and Donjon for Electronic and Scrap Metal Recycling.

Roll Call Vote	Yes	No	Absent/Abstained		
Jacob Pence	X				
Mike Toretta	X				
Joe Flynn				X	
Sarah Payne	X				
Bonnie Butler, Mayor	X	(4) Yes	(0) No	(1) Absent	Motion Carried

Warren County Board of Elections – New District #3

The committee is in consensus to send a letter to the election board advising that they feel there is no need for another District in the township, and are opposed to this.

Lions Club Franklin Township-Warren Cty (Raffle Application RA 2012-7 On Premises 50/50 /various dates)

On motion by Michael Toretta and seconded by Sarah Payne to approve raffle RA 2012-7.

Roll Call Vote	Yes	No	Absent/Abstained		
Jacob Pence	X				
Mike Toretta	X				
Joe Flynn				X	
Sarah Payne	X				
Bonnie Butler, Mayor	X	(4) Yes	(0) No	(1) Absent	Motion Carried

Franklin Township Board of Education (Contract for snow/ice removal in exchange for community center floor cleaning/buffing)

As per the consensus of the committee to renew this contract as per last year without any changes.

On motion by Michael Toretta and seconded by Sarah Payne to execute contract without any changes.

Roll Call Vote	Yes	No	Absent/Abstained		
Jacob Pence	X				
Mike Toretta	X				
Joe Flynn				X	
Sarah Payne	X				
Bonnie Butler, Mayor	X	(4) Yes	(0) No	(1) Absent	Motion Carried

Affordable Housing Trust Fund Monies

The following **Resolution 2012-60** was presented for First Reading/Adoption

RESOLUTION 2012-60

WHEREAS, the Governing Body of the *Township of Franklin, Warren County*, petitioned the Council on Affordable Housing (COAH) for substantive certification on *August 13th, 2010*; and

WHEREAS, *the Township of Franklin* adopted its development fee ordinance on December 6, 2004; and

WHEREAS, pursuant to the Executive Reorganization Act of 1969, P.L. 1969, c. 203 (C. 52:14C-1 et seq.), the Governor abolished COAH and transferred all functions, powers, and duties to the Commissioner of the Department of Community Affairs, effective August 29, 2011; and

WHEREAS, as a result of the Reorganization Plan, No. 001-2011, the review formerly to be conducted by COAH is now conducted by the Department of Community Affairs' ("DCA" or "the Department"), Local Planning Services unit; and

WHEREAS, the development fee ordinance establishes an affordable housing trust fund that includes development fees, payments from developers in lieu of constructing affordable units on-site, barrier free escrow funds, rental income, repayments from affordable housing program loans, recapture funds, proceeds from the sale of affordable units, and/or payments related to settlement agreements with developers; and

WHEREAS, N.J.A.C. 5:97-8.1(d) requires a municipality with an affordable housing trust fund to receive approval of a spending plan from the Department prior to spending any of the funds in its housing trust fund; and

WHEREAS, N.J.A.C. 5:97-8.10 requires a spending plan to include the following:

1. A projection of revenues anticipated from imposing fees on development, based on pending, approved and anticipated developments and historic development activity;
2. A projection of revenues anticipated from other sources, including payments in lieu of constructing affordable units on sites zoned for affordable housing, funds from the sale of units with extinguished controls, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, and interest earned;
3. A description of the administrative mechanism that the municipality will use to collect and distribute revenues;
4. A description of the anticipated use of all affordable housing trust funds pursuant to N.J.A.C. 5:97-8.7, 8.8, and 8.9;
5. A schedule for the expenditure of all affordable housing trust funds, provided that the trust fund balance as of July 17, 2008 is committed for expenditure within four years of that date and that all development fees and any payments in lieu of construction are committed for expenditure within four years from the date of collection;
6. If applicable, a schedule for the creation or rehabilitation of housing units;
7. A pro-forma statement of the anticipated costs and revenues associated with the development if the municipality envisions supporting or sponsoring public sector or non-profit construction of housing; and
8. The manner through which the municipality will address any expected or unexpected shortfall if the anticipated revenues from development fees are not sufficient to implement the plan; and
9. A description of the anticipated use of excess affordable housing trust funds, in the event more funds than anticipated are collected, or projected funds exceed the amount necessary for satisfying the municipal affordable housing obligation.

WHEREAS, *the Township of Franklin* has prepared a spending plan consistent with N.J.A.C. 5:97-8.10 and P.L. 2008, c.46.

WHEREAS, the spending plan prepared and submitted requires amendment to reflect modification of the amounts of anticipated funding allocated to certain affordable housing mechanisms, including mechanisms not currently identified in the adopted Fair Share Plan; and

WHEREAS, N.J.A.C. 5:97-8.11 provides for consideration of mechanisms not included in the adopted Fair Share Plan; and

WHEREAS, N.J.A.C. 5:97-8.11(a) provides that a municipality may request authorization for expenditure of affordable housing trust funds on emergent affordable housing mechanisms not included in the municipal Fair Share Plan, in the form of an amendment to the spending plan; and

WHEREAS, the Township of Franklin has identified opportunity to implement a market to affordable program utilizing foreclosed properties within the Township.

NOW THEREFORE BE IT RESOLVED that the Governing Body of *the Township of Franklin, Warren County* requests that DCA's Local Planning Services review and approve Franklin Township's amended spending plan.

BE IT FURTHER RESOLVED that the Governing Body of *the Township of Franklin, Warren County* requests the ability to utilize development fees to implement a market to affordable program utilizing foreclosed properties in the Township, a mechanism that is not included in the Township's adopted Fair Share Plan and not included in the current spending plan.

BE IT FURTHER RESOLVED that proposed market to affordable program will comply with the requirements of N.J.A.C. 5:97-6.9.

BE IT FURTHER RESOLVED that the Governing Body of *the Township of Franklin, Warren County* certifies that this mechanism will meet the requirements of N.J.A.C. 5:97-6 and that the Township will amend its Fair Share Plan to include the mechanism in accordance with N.J.A.C. 5:97-8.11(c).

Denise Cicerelle
Municipal Clerk

The within **Resolution 2012-60** was moved by Jacob Pence and seconded by Michael Toretta and upon roll call vote was passed.

Roll Call Vote:	Yes	No	Absent/Abstained
Jacob Pence	X		
Sarah Payne	X		
Joe Flynn			X
Michael Toretta	X		
Mayor Bonnie Butler	X	(4) Yes (0) No (1) Absent	Motion carried

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 May 7, 2012.

Denise L. Cicerelle
Municipal Clerk

Municipal Office Replacement Window Quotes

Two (2) quotes received as follows: (quotes include installation, trim, sheet rock, paint & screen)

Chris Dembecki; Option#1 \$4500.00 per window unit replaced, Option# 2 \$5100.00 per window unit replaced

R&B Carpenter Contractors; \$4800.00 per window unit replaced.

Consensus of the committee for Committeeman Flynn to contact contractors directly to discuss further as per SSP Architects' specifications for window replacement for the municipal building, prior to approving any work done.

REPORTS/UPDATES

Attorney Report – Report on File

Jim Onembo – Code Enforcement/Zoning

Mr. Onembo addressed the committee as to month activities with complaints as overgrown grass and yard clean ups and portable “off tract” signs hard to enforce. Logging mill on Beidleman Road unsightly attorney to review ownership. Clothing bin boxes are to be enforceable by ordinance, consensus of committee, due to non-profits with boxes on their properties that are paid by the pound collected in them, should be exempt form permit.

Roger Bulava – Recycling – Report given earlier under Spring Clean Up

DPW REPORT – Report on File

Downspouts leaking on building.

OPEN SPACE REPORT:

No one present

Franklin Township Youth Association:

No one present

OEM/Fire Department – Chief Sonny Read – Report on File

Mr. Read reported that a grant was received and was able to purchase and issue utility knives to volunteers.

Rescue Squad – Chief Karen Chiu –

Not present

TOWNSHIP COMMITTEE REPORTS:

Joe Flynn

Not present

Jacob Pence

Nothing to comment

Sarah Payne

Nothing to comment

Michael Toretta

Nothing to comment

Bonnie Butler, Mayor

Mayor Butler updated committee as to the court records have been moved from Lopatcong Township to Knowlton Township. Also she the mayor will be meeting with an aide from Congressman Garrett's office, if anyone would like the mayor to address anything on a federal level to please see her. Spoke with the Tax Assessor, in reference to tax on commercial solar applications, in understanding you can't tax equipment itself it has to do with capitalized rents, you can't give a concise figure on this at this time.

OPEN PUBLIC SESSION

Mowing of Detention Basins in Rocky Brook I and Rocky Brook II

At this time, Mayor Butler informed the numerous residents, in attendance at tonight's meeting, residing from the above two developments that they will hear from Attorney Benbrook as to a legal background and then Engineer Finelli with a DEP background of stormwater regulations. Attorney Benbrook informed that the homeowners association was required to be created by the Developer prior to the subdivision being perfected. Rocky Brook I hasn't established an association and the township has been mowing the detention basins. RBI was developed in stages and had a real estate collapse. It had a recorded Chain of Title and By-Laws/Deed recorded in County Courthouse. Has open space infrastructure and dues were never collected to pay a landscaper, etc. therefore, the township picked up the mowing. Rocky Brook II (Copperfields) this development has a similar factual background, but their Homeowners Association was formed, Master Deed/By-Laws are recorded in the County Courthouse and Chain of Title. The letter sent out by our attorney, intent to put the above developments on notice advising that the township is not obligated and will discontinue mowing of the detention basins and should be addressed with their associations. Engineer Finelli informed that the state came out with new stormwater regulations, NJDPES (New Jersey Pollutant discharge Elimination System) municipalities are now required to update and refresh our stormwater permit. The township adopted an ordinance and we file an annual report with the state satisfying requirements. The DPW is responsible to perform general maintenance on catch basins in the roadway, pipe systems, and so forth. Two options: Homeowners Associations formed/responsible for detention basins or the individual lot owner with the basin at the rear of their property or within an easement is responsible. New regulations work a little differently, an individual is now not allowed to maintain a detention basin the theory behind this is to properly maintain these detention facilities to try to insure water quality.

Let the record reflect that Committeeman Joe Flynn joined the meeting at 8:45 pm.

Questions and concerns ranged as follows:

1. Don't have a Homeowners Association and don't want a Homeowners Association. With an association they don't allow you to do certain things and lose your freedom of what you can do or not do with your property.
2. How much will it cost to mow detention basins in developments?
3. Would rather have township keep mowing the basins and divide the cost amongst the residents of each development
4. Our tax bills should be money enough to pay for the mowing of detention basins
5. If we don't form an association now, what is the worst thing that will happen?
6. Arguing for one hour about mowing the grass and the grass could already be cut.
7. Believes properties with drainage easements on them are responsible to maintain them

Attorney Benbrook will review documents closer and a formula will have to be devised to estimate the cost to mow detention basins in the developments. Another letter will be mailed out to the residents in hope to make this matter more clear and a resolution noted.

Mark Blaszk – Question to Engineer Finelli any restrictions to the lower basin in his development; mowing near a stream? When are the cracks in Bryan Road and Benjamin Drive going to be filled, it has been 3 years? The alternate safety route when will that be going in? When will spring clean up passes be available?

Third Street

Joan Ward – Had a question directed to Engineer Finelli as to an update on Third Street. Engineer addressed advising that a refined design has been coordinated with the DEP and in the process of a meeting with Morris Canal. The field work is close to being done.

EXECUTIVE SESSION

BE IT RESOLVED, on this 7th day of May, 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

PENDING LITIGATION

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

THEREFORE, be it resolved on this 2nd, day of April, 2012 by the Franklin Township Committee, that the matter stated will be discussed in executive session, said session to commence at 8:58 p.m.

On Motion by Michael Toretta and seconded by Jacob Pence to exit to executive session at 10:00 pm. Unanimous Vote.

On motion by Michael Toretta and seconded by Sarah Payne to return to the regular session at 10:35 p.m. Unanimous Vote.

Due to the absence of Committeeman Flynn earlier, ratification of **Resolution 2012-55** (Group Affidavit), Mr. Flynn hereby agrees and affirms as to the signing and adoption of this resolution.

On motion by Michael Toretta and seconded by Joe Flynn, to pay appropriate bills on bill list, and to authorize a check for batting cages (wheels to roll), to be paid out of the Recreation Trust Account.

Roll Call:	Yes	No	Absent	Abstained
Jacob Pence	X			
Joe Flynn	X			
Michael Toretta	X			
Sarah Payne		X		
Mayor, Bonnie Butler	X	(4) Yes (1) No	(0) Abstained	Motion carried

On motion by Michael Toretta and seconded by Joe Flynn, hearing no objection, meeting stands adjourned at 10:37 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