

REGULAR MEETING

The Franklin Township Committee held its regular monthly meeting at 7:00 pm on Monday, June 4, 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, 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, Joe Flynn (5) Yes,

The Regular Meeting Minutes of May 7, 2012 were accepted on motion by Sarah Payne, and seconded by Michael Toretta, Unanimous Vote. Executive Meeting Minutes of May 7, 2012 were accepted on motion by Michael Toretta, and seconded by Sarah Payne, Unanimous Vote.

REPORT/UPDATE:

NJSP

A representative from the New Jersey State Police was present reporting the following statistics for the month of May. 6 (911), 14 Medical Assists, 4 Motor Vehicle Accidents, 199 Traffic Stops, 97 Property Checks, 1 Criminal Mischief, 2 Domestic Dispute, 11 Alarms, 15 Critical Infrastructures, 1 Assault, 1 Harassment, 20 Community Policing, 1 Fire, 2 Well Being Checks, 1 Missing Person, 1 Property Damage, 1 Verbal Dispute.

ENGINEER REPORT:

Bid opening May 31, 2012, received two bids well over the engineer's cost estimate as follows:

- 1. **Top Line**
Total Bid Amount \$ 277,088.50
- 2. **Reivax**
Total Bid Amount \$ 263,510.00

On motion by Michael Toretta and seconded by Sarah Payne to reject both bids. A late bid received from Tillerman Landscaping is well within the estimate of engineers cost basis, the other two bidders would have 5 business days to re-submit negotiate/reduce prior bids submitted.

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	Motion Carried

The following **Resolution 2012-68** was presented for First Reading/Adoption

RESOLUTION 2012-68

RESOLUTION AUTHORIZING THE TOWNSHIP OF FRANKLIN, WARREN COUNTY, NEW JERSEY TO ENTER INTO A CONTRACT WITH TILLERMAN LANDSCAPING, L.L.C. FOR THE HALFWAY HOUSE ROAD EMBANKMENT STABILIZATION PROJECT

WHEREAS, The Township of Franklin, has advertised on two (2) separate occasions for bids for the Halfway House Road embankment stabilization project (“Project”), pursuant to Bid Specifications prepared by the Township Engineer; and

WHEREAS, on both occasions, the governing body has rejected all bids based upon its determination, in conjunction with that of the Township Engineer, that the bid prices were not reasonable and were substantially higher than the cost estimates prepared by the Township Engineer; and

WHEREAS, at the most recent public bid opening, there was a late-filed bid by Tillerman Landscaping, L.L.C. in the amount of \$136,473.00 that was not accepted by the Township, due to its lateness; and

WHEREAS, the late-filed bid of Tillerman Landscaping, L.L.C. would have been the lowest numerical bid by a substantial margin had it been timely, its bid price is substantially in line with the cost estimate of the Township Engineer and it remains willing to honor its bid price through a direct Contract; and

WHEREAS, N.J.S.A. 40A:11-5(3) specifically authorizes the direct negotiation and award of a Contract by a two-thirds affirmative vote of the authorized membership of the governing body under circumstances where bids have been advertised on two (2) prior occasions, and rejected on both occasions, based upon price.

NOW, THEREFORE BE IT RESOLVED, by a minimum two-thirds majority of the members of the Governing Body of the Township of Franklin, County of Warren, State of New Jersey, that the Project be and hereby is awarded to Tillerman Landscaping, L.L.C., conditioned upon (1) compliance with all terms and conditions of the Project as specified in the Public Bid Documents; and (2) the Contract price shall be the unit price bid set forth in the unaccepted, late-filed bid of Tillerman Landscaping, L.L.C. in a total not to exceed \$136,473.00; and;

BE IT FURTHER RESOLVED, that, pursuant to statute, both of the bidders submitting proposals at the second bid opening shall be given the opportunity to negotiate and reduce their respective bids to the unit prices established by Tillerman Landscaping, L.L.C. and agree to enter into Contract at those prices within five (5) business days of the date of this Resolution, the lowest of the two bidders having the first option. If neither bidder agrees to negotiate and reduce their bids as aforesaid, the statutory obligation to negotiate shall be deemed to be satisfied, and the Township shall proceed with the Tillerman Contract.

On motion by Michael Toretta and seconded by Jacob Pence the aforementioned **Resolution 2012-68** be adopted as read.

Roll Call Vote	Yes	No	Absent/Abstained
Mayor Bonnie Butler	X		
Sarah Payne	X		
Joe Flynn	X		
Michael Toretta	X		
Jacob Pence	X	(5) Yes (0) No (0) 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 June 4th, 2012.

Denise L. Cicerelle, RMC/CMR

Dated: June 4, 2012

THIRD STREET DRAINAGE PROBLEMS

(No change since last month's report)

- 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.
- A&A commenced work at the project site the week of May 21, 2012. The balance of remaining work, which consisted primarily of the upgrades and sidewalk installation in the area of the Asbury Deli along with some other selected driveway aprons and sidewalks, was completed on May 30, 2012. Representatives of the NJDOT visited the site during the construction phase (please make note that this is a very unusual occurrence) and complemented the Township on their decision to move forward to finish the project. At this juncture, we believe we are now in a position to move forward with the balance of the administrative close-out components of this grant and have the Township secure its final reimbursement for this project.

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 previously provided the Township Committee with a memo, dated May 4, 2012, which recommended that the project be re-bid and not awarded to either of the two (2) original bidders based upon their bids both being well in excess of the engineer's estimate. The Township Committee took that action and both bids were rejected and our office was authorized to re-bid the project.
- Our office slightly revised the construction plans and bid specifications and then put the project "out to bid" in May, 2012. A total of ten (10) bid packages (plans and specifications) were picked up by prospective bidders. A bid opening was held on May 31, 2012. Our office has been in consultation with Attorney Benbrook and will be issuing a separate correspondence on this project outlining the options available to the Township regarding a potential contract award. This matter will be furthered discussed at the June 4, 2012 Committee meeting.

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

(No change since last month's report)

- 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 some 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

- 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.
- Our office was contacted on June 1, 2012 by FEMA representative, Elizabeth Vasquez, regarding reimbursement for the October snowstorm. A meeting has been scheduled for Wednesday, June 6, 2012 at 10:00 AM at the Municipal Building where Township representatives will meet with Mr. Vasquez and other FEMA representatives in an effort to move this particular reimbursement process forward.

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.

At this time Mayor Butler opened up the floor to discussion as to the mowing of detention basins in Rocky Brook I and Rocky Brook II Homeowners Associations. Attorney Benbrook briefed as to his findings as follows: RB I; the two detention basins are within the fee title ownership of individual

lot owners. There is a homeowners association on record, however, the property owners in which the detention basins are on have been maintaining so the township will leave this between the HOA and the property owners. With respect to RB II a homeowners association was formed but doesn't appear to be active at this time. Detention Basin mowing would be the responsibility of the HOA, two quotes received, Brian Deemer Landscape, per cut basis scheduled every 3 weeks \$350 and for the first cut since grass has not been mowed yet will require brushhog, \$900. Pro-Care Lawn and Tree per cut basis scheduled every 3 weeks \$330 and for the first cut since grass has not been mowed yet will require brushhog, \$880. Attorney to follow up with this matter accordingly.

The following **Resolution 2012-61** was presented for First Reading/Adoption

RESOLUTION 2012-61

WHEREAS, the Township Committee of the Township of Franklin, County of Warren, State of New Jersey, has received applications for the renewal of liquor licenses; and

WHEREAS, each application for renewal was accompanied by the following fees: Plenary Retail Consumption \$826.80 Plenary Retail Distribution \$609.60, and Club License \$63.00; and

WHEREAS, each application was also accompanied by a \$200.00 check payable to the Division of Alcoholic Beverage Control; and

WHEREAS, the following submitted Plenary Retail Consumption Liquor License retail applications;

Sebastiano's Restaurante, LLC, 2537 Rt. 57, Stewartville, NJ,
License# 2105-33-003-010

Wedgewood Inn, LLC 2165 Rt. 57, Broadway, NJ, License# 2105-33-001-004;

WHEREAS, the following submitted a Plenary Retail Distribution License renewal application;

Village Discount Liquors, LLC; 2299 Rt. 57, Broadway, NJ,
License# 2105-44-004-003;

WHEREAS, the following Club License was submitted for license renewal.

Warren County Rod & Gun Club #1, 279 Bloomsbury Rd., Asbury, NJ,
License# 2105-31-006-001

WHEREAS, the applicants for renewals have provided proof of tax clearance as issued by the New Jersey Division of Taxation; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Franklin, County of Warren and State of New Jersey, that the applications received for Plenary Retail Consumption, Plenary Retail Distribution and Club License have been duly inspected and that all appropriate documentation and fees have been submitted along with said applications and as such, the licensee applications are deemed complete and renewals of the same are hereby granted and that aforementioned liquor licenses for the year July 1st 2012 to June 30th 2013 be accepted and approved for issue

NOW, THEREFORE, BE IT RESOLVED, that the Clerk of the Municipality is directed to execute the license certificates and deliver the same on behalf of the Township of Franklin.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Franklin that this resolution shall take effect immediately.

The within **Resolution 2012-61** was moved by Committeeperson Sarah Payne and seconded by Committeeperson Michael Toretta, not to include Asbury Willows, as to no renewal application/fees received, 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		
		(5) Yes (0) No (0) Absent	Motion carried

Dated: June 4, 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, June 4, 2012.

Denise L. Cicerelle, RMC/CMR
Municipal Clerk

The following **Resolution 2012-62** was presented for First Reading/Adoption

Resolution 2012-62
Person to Person Transfer

WHEREAS, an application has been filed for a person to person transfer of Plenary Retail Consumption License #

2105-33-003-010, heretofore issued to Sebastianos Restaurante LLC, T/A Playmakers Sports Bar & Grill for premises located at 2537 Rt. 57, Stewartsville, Franklin Township, Warren County, New Jersey;

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term;

WHEREAS, the applicant is qualified to be licensed according to all standard established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33;

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the license business;

NOW, THEREFORE BE IT RESOLVED that the Franklin Township Governing Body does hereby approve, effective June 4, 2012 the transfer of the aforesaid Plenary Retail Consumption License to Playmakers Sports Bar & Grill, LLC and does hereby direct the Township Clerk/A.B.C. Board Secretary to endorse the license certificate to the new ownership as follows: This license, subject to all its terms and conditions, is hereby transferred to Playmakers Sports Bar & Grill effective June 4, 2012.

On motion by Michael Toretta and seconded by Sarah Payne the aforementioned **Resolution 2012-62** be adopted.

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

Dated: June 4, 2012

CERTIFICATION

I, Denise L. Cicerelle, Municipal Clerk of the Township of Franklin, County of Warren, State of New Jersey, do hereby certify that the attached Resolution is a true and correct copy of Resolution adopted and approved by unanimous vote of the Mayor and Township Committee at their regularly scheduled meeting held on Monday, June 4, 2012.

Denise L. Cicerelle
Municipal Clerk

The following **Resolution 2012-63** was presented for First Reading/Adoption

RESOLUTION 2012-63

WHEREAS, Applied Water Management has requested that the Township execute a NJDEP Treatment Works Approval (TWA Permit) for premises located at 52 Asbury Broadway Road, Block 26, Lot 12 on the Franklin Township Tax Map known as Franklin Township Board of Education; and

WHEREAS, the application is in order,

NOW, THEREFORE, BE IT RESOLVED by the Franklin Township Committee that the Mayor be and she hereby is authorized and directed to execute consent to form TWA-I or NJPDES-1 Form and WQM-003 Form.

On Motion by Bonnie Butler and seconded by Jacob Pence the aforementioned **Resolution 2012-63** be adopted as read.

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

CERTIFICATION

I, Denise L. Cicerelle, certify this to be a true copy of a Resolution passed by the Franklin Township Committee at a regularly scheduled meeting held on Monday June 4, 2012.

Denise L. Cicerelle, RMC/CMR
Municipal Clerk
Franklin Township
Warren County, State of New Jersey

Dated: June 4, 2012

The following **Resolution 2012-64** was presented for First Reading/Adoption

RESOLUTION NO. 2012-64

WHEREAS, George Banghart holds Tax Sale Certificate # 2010-008, and has made subsequent property tax payment on Block 37 Lot 5 and,

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Committee authorize the Tax Collector to refund the sum of \$ 427.41 to George Banghart, 50 Goodsprings Road, Asbury, NJ 08802.

On Motion by Sarah Payne and seconded by Michael Toretta the aforementioned **Resolution 2012-64** 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	Motion Carried

CERTIFICATION

I, Denise L. Cicerelle, certify this to be a true copy of a Resolution passed by the Franklin Township Committee at a regularly scheduled meeting held on Monday June 4, 2012.

Denise L. Cicerelle, RMC/CMR
Municipal Clerk
Franklin Township
Warren County, State of New Jersey

Dated: June 4, 2012

The following **Resolution 2012-65** was presented for First Reading/Adoption

RESOLUTION NO. 2012-65

WHEREAS, US Bank-Cust for Pro Capital I, LLC holds Tax Sale Certificate #2010-001 and has paid subsequent taxes on Block 37 Lot 6 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 \$ 29,091.51 to US Bank-Cust for Pro Capital I, LLC, 50 South 16th Street, Suite 1950, Philadelphia, PA 19102.

On Motion by Michael Toretta and seconded by Sarah Payne the aforementioned **Resolution 2012-64** 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	Motion Carried

CERTIFICATION

I, Denise L. Cicerelle, certify this to be a true copy of a Resolution passed by the Franklin Township Committee at a regularly scheduled meeting held on Monday June 4, 2012.

Denise L. Cicerelle, RMC/CMR
Municipal Clerk
Franklin Township
Warren County, State of New Jersey

Dated: June 4, 2012

The following **Resolution 2012-66** was presented for First Reading/Adoption

**Franklin Township
Warren County, State of NJ
RESOLUTION 2012-66
Resolution Opposing Senate Bills 1451 and 1452**

WHEREAS, legislation has been introduced to reform and modernize both the Open Public Meetings Act (S-1451) and the Open Public Records Act (S-1452); and

WHEREAS, the governing body of the Township of Franklin agrees with and supports the statement that “the right of the public to be present at all meetings of public bodies, and to witness in full detail all phases of the deliberation, policy formulation, and decision making of public bodies, is vital to the enhancement and proper functioning of the democratic process”; and

WHEREAS, the changes, however, proposed in S-1451 will not only be a cost driver for local and State government but make government less effective; and

WHEREAS, S-1451 includes a number of proposed requirements which involve costly unfunded mandates, impractical requirements and impediments to the democratic process, including the following:

- A new definition of subcommittees that expands subcommittees to be overly inclusive so that, for example, even research projects assigned to one member of a public body could be covered; and
- A new requirement that all subcommittees meetings include notice of their meeting and the preparation of minutes, which would, among other things, necessitate additional administrative support for all meetings of subcommittees as well as increased legal advertising cost; and
- A new requirement that agendas provide a description of all agenda items, including the names of parties to and approximate dollar amounts of any contracts to be acted upon, which will delay the award of contracts and could lead to the loss of grant monies; and
- A new requirement that the governing body may discuss, but not act upon, an item brought up by a citizen at a public meeting if it was not published as an agenda item, that not only runs contrary to the time honored tradition of holding a public meeting for the very purpose of soliciting such input and acting upon it but is impractical, ineffective and unnecessarily inhibits the operations of municipal government; and
- A new requirement for advance notification of estimated start times for the public portion of the meeting and the portion of the meeting from which the public is to be excluded that is unworkable and disruptive; and
- A new requirement that recordings of meetings become a part of the minutes that renders the recordings a permanent municipal record and is not only counter to the already-established records retention schedule of Division of Archive and Records Management for such records but which will be costly to preserve the records to ensure that they are permanent; and
- A new requirement that electronic communications, such as e-mails and text messages, concerning public business among an effective majority of the members that occurred prior to a meeting become part of the minutes and renders the recordings a permanent municipal record, is unworkable and unmanageable as the technology does not always exist to make “hard copies” or digital copies of text messages and the records custodian does not always have access to them, and which is an unprecedented expansion of the meeting concept; and
- A new requirement that public bodies be permitted to exclude the public from discussion of personnel matters only with the written consent of the employee and potentially affected employees which will inhibit the public bodies’ ability to take necessary actions on personnel matters and could lead to costly litigation; and
- A new requirement that comprehensive minutes that must include each member’s stated reason for their actions or vote, the identity of each member of the public who spoke, and summary of what was said, be made available to the public as soon as possible but no later than 45 days after the meeting that will not only be costly but the historical value of minutes will be lost in order to meet an arbitrary deadline; and

WHEREAS, the governing body of the Township of Franklin agrees that government records should be readily accessible and transparent but there must be an appropriate balance between the need for openness and transparency in government and citizens' reasonable expectation of privacy; and

WHEREAS, among the costly unfunded mandates and impractical new requirements of S-1452 are the following:

- The expansion of the definition of government record to include records that are required by law to be made, maintained or kept on file by any public agency that will lead to a records custodians to be in violation of OPRA for the non-existence of a government records created before their tenure with the public body; and
- The creation of a definition for "advisory, consultative or deliberative" material that may be contrary to the well established definition in case law leading to costly litigation; and
- The expanding of the definition of government record to include electronic communications, such as e-mails and text messages, concerning public business among an effective majority of the members that occurred prior to a meeting that is unworkable and unmanageable as the technology does not always exist to make "hard copies" or digital copies of text messages, the records custodian does not always have access to the electronic communications and certain cell phone carriers will not provide this information without a subpoena; and
- The inclusion of a subjective definition for "reasonable" that may be contrary to the well established definition in case law leading to costly litigation; and
- A new requirement that any video or audio recordings or public meetings should be available in unedited form will be in direct violation of the Open Public Meetings Act requirement that requires the redacting of discussions in closed session until the matter can legally be released; and
- A new requirement on how to handle redactions and special services fees is time consuming and costly, especially considering that the Government Records Council has already addressed these procedures in their Custodians' Toolkit, which should be codified; and
- A provision that permits the records custodian to advise a requestor that a government record is readily available on the public agency's website; however, the bill requires the records custodian to directly provide the records to the requestor if they do not have access to a computer but does not define what is meant by "access to a computer"; and
- A new costly requirement that when there is a special service charge the requestor must be provided, at no cost, an index generally describing the responsive government records to be provided and to the greatest extent possible the index shall include the name of each record or brief description of the record or general categories of records, a detailed breakdown of how the special charges were assessed and if records are exempt or redacted, the records custodian must provide a description of those records; and
- A provision that prohibits the assessment of a special service charge for requests for budgets, bills, vouchers, contracts and public employee salaries and overtime unless the request is deemed voluminous, which is undefined and subjective; and

WHEREAS, the provisions of S-1451 and S-1452 place financial, time, manpower and other burdens on municipalities at a time when municipalities are forced to layoff municipal employees, impose furloughs and reduce departmental budgets so that municipalities can meet the strict CAP requirements with decreased revenues and increasing operating expense; and

WHEREAS, the totality of the new requirements of S-1451 and S-1452 will be a significant cost driver for local and State government with no known appropriation contemplated or any alternate means to offset these costs, such a reasonable increase in fees; and

WHEREAS, while the governing body of the Township of Franklin strives for and agrees that open and transparent government is essential to the democratic process, the provisions of S-1451 and S-1452 will make government inefficient;

NOW, THEREFORE, BE IT RESOLVED that the governing body of the Township of Franklin, County of Warren, and State of New Jersey for reasons stated above, does hereby oppose S-1451 and S-1452, as currently drafted, and strongly urges the State Senate and Assembly to oppose these bills; and

BE IT FURTHER RESOLVED that a copy of this duly adopted resolution be forwarded to Senate President Stephen Sweeney, Senator Loretta Weinberg, Senator Barbara Buono, Senator Shirley Turner, Assembly Speaker

Shelia Oliver, Assemblyman Gordon Johnson, Assemblyman Upendra Chivukula, the legislators of the 23rd Legislative District State Legislative District, Governor Chris Christie, the New Jersey State League of Municipalities and the Municipal Clerks' Association of New Jersey.

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 June 4, 2012.

Denise L. Cicerelle
Municipal Clerk

The within **Resolution 2012-66** was moved by Sarah Payne 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		
		(5) Yes (0) No (0) 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 June 4, 2012.

Denise L. Cicerelle
Municipal Clerk

The following **Resolution 2012-67** was presented for First Reading/Adoption (Flexible Spending Account Section 125 Plans for Employees) Tabled until next month

DISCUSSIONS/APPROVALS

Kober's Junkyard Renewal Application

Committeeman Toretta advised all is in order and wants the township to be aware that he recycles refrigerators, stoves, metal, waste oil. Roger Bulava will contact Mr. Kober to get specifics to coordinate what/how he will take.

On motion by Michael Toretta and seconded by Jacob Pence to approve renewal application as submitted.

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	Motion Carried

Comcast (Franchise Renewal)

Attorney Benbrook will start the process as to the renewal and Committeeman Toretta will work with him.

Warren County Housing Program Agreement

On motion by Sarah Payne and seconded by Jacob Pence to authorize the mayor/clerk to execute this agreement 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

Replacement Windows for Municipal Offices

Committeeman Flynn to review quotes with contractors that submitted quotes as to architect analysis of building.

REPORTS/UPDATES

Attorney Report – Report on File

Jim Onembo – Code Enforcement/Zoning

Mr. Onembo had nothing further to report.

Roger Bulava – Recycling

Annual Spring Clean Up will be this Saturday, June 9th from 7:00 am – 3:00 pm

DPW REPORT – Report on File

Mr. Read absent

OPEN SPACE REPORT:

Bob Hood addressed the committee as to Open Space Projects.

Franklin Township Youth Association:

No one present

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

Chief Read nothing further to report.

Rescue Squad – Chief Karen Chiu

Report to be given next month.

TOWNSHIP COMMITTEE REPORTS:

Joe Flynn

Committeeman Flynn handed out a spreadsheet to committee as to the 100th Anniversary Concrete Mile Celebration expenses. It was a successful day as well as a collaboration of History throughout the County.

Jacob Pence

Nothing to comment

Sarah Payne

Committeeperson Payne distributed Employee Health Insurance Renewal options after meeting with our insurance representative. She will meet with the full time employees for their opinion.

Option #1 (Aetna), our current plan, 7.8 % premium increase over last year; Option #2 (Oxford Health), deductible increase, smaller prescription drug co-pay, 3.8 % increase; Option #3, increases deductible, decreases co-insurance, \$2,172 annual savings. Further discussion to ensue and approval at the workshop meeting, June 11th.

On motion by Michael Toretta and seconded by Joe Flynn, to purchase a projector/screen and accessories not to exceed \$2000.00.

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

Michael Toretta

Per Road Foreman Read, doors and windows need to be replaced at the garage.

Bonnie Butler, Mayor

Mayor Butler thanked the Historical Commission, rescue squad and fire company for a job well done at the 100th Anniversary of the Concrete Mile. There is a reported sinkhole in the Copperfields Development, panic bar is sticking on the back door, parking lot lights timer need to be re-adjusted. Committeeman Toretta will address this with Foreman Read. Mayor Butler met with Congressman Garrett’s office and they can assist with any problems with federal paperwork to help expedite the matter including issues with veteran’s affairs. Attorney Benbrook will follow up with Dave Werkheiser as to property along Millbrook Road after it was re-aligned. Mountain View Road West will be closed until August 8th for culvert replacement.

OPEN PUBLIC SESSION

Joel Reger –

Commented on Pohatcong Greenway as to a great idea.

David LaRentz –

424 Old Main Street, inconvenienced by the DOT Project, in front of the deli. Had no access to his driveway, as well as some of his neighbors, never notified of this.

EXECUTIVE SESSION

BE IT RESOLVED, on this 4th day of June, 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/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 4th, day of June, 2012 by the Franklin Township Committee, that the matter stated will be discussed in executive session, said session to commence at 8:59 p.m.

On Motion by Michael Toretta and seconded by Jacob Pence to exit to executive session at 8:59 pm. Unanimous Vote.

On motion by Jacob Pence and seconded by Michael Toretta to return to the regular session at 9:38 p.m. Unanimous Vote.

On motion by Sarah Payne and seconded by Jacob Pence, to pay appropriate bills on bill list, with the exception of Discovery Benefits check, and add the Concrete Mile Anniversary bills submitted by Committeeman Flynn.

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

Workshop Meeting to be held, Monday, June 11, 2012, 7:00 pm.

On motion by Sarah Payne and seconded by Joe Flynn, hearing no objection, meeting stands adjourned at 9:49 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