

REGULAR MEETING

The Franklin Township Committee held its regular monthly meeting at 7:00 pm on Monday, July 2, 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, Margaret Housman, Office Assistant, Raymond Read, OEM/Fire Chief, Michael Finelli, Engineer, Ron Read, Road Foreman, Kevin Benbrook, Attorney, 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 June 4, 2012 were accepted on motion by Sarah Payne, and seconded by Michael Toretta, Unanimous Vote. Executive Meeting Minutes of June 4, 2012 were accepted on motion by Jacob Pence, and seconded by Mike Toretta, Unanimous Vote. Workshop Meeting Minutes of June 11, 2012 were accepted on motion by Jacob Pence, and seconded by Joe Flynn, Unanimous Vote.

REPORT/UPDATE:

NJSP

A representative from the New Jersey State Police was present reporting the following statistics for the month of June. 4 Motor Vehicle Accidents, 201 Traffic Stops, 60 Property Checks, 2 Domestic Dispute, 4 Thefts.

ENGINEER REPORT:

Mr. Finelli briefed the committee as to pending projects. He suggested for Mayor Butler to stop in to his office to review the Wastewater Management Plan. A&A Contractors submitted their bill of \$15,300 for the continuation of the Asbury Historical Sidewalk Project, requesting this to be placed on the bill list for approval this evening. The Third Street Drainage Plans are available, but not finalized. Still need to get together with the representatives from the Canal. Mayor Butler requested a summary of the reimbursement of the soft cost on this project and Committeeman Toretta inquired as to enough money for this job.

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.

Hearing no questions from the public this evening to the engineer and/or his report given.

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

- 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 have recently commenced work on the Township's WMP. We are proceeding with the development of the required reports and supporting plans which will need to be submitted to the NJDEP. 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.
- We recently forwarded a copy of a letter from the NJDOT, dated June 12, 2012, to the Township Committee. As per that letter, the NJDOT has accepted the project with no corrective actions necessary. Based upon the history of this project and the prior "conflict" with the NJDOT, I was very pleased to receive this letter. At this juncture, 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 was discussed at some length at the June 4, 2012 Committee meeting. Based upon the recommendation made by Attorney Benbrook, the Township Committee adopted Resolution 2012-68 which allowed for a direct negotiation and subsequent contract award to Tillerman Landscaping. The Tillerman Landscaping bid for this project was \$136,473 which included an “if and where directed” item for the drilling of Soldier Piles in the amount of \$27,000. I am cautiously optimistic that we may not need to use any of that particular line item in the contract.
- A Notice of Award was sent to Tillerman Landscaping on June 14, 2012. We will continue to move forward as expeditiously as possible in order to get the project started and completed in the relatively near future. Please be advised that based upon the fact that Halfway House Road will be closed during the construction of the retaining wall. Our office has just been notified that the NJDOT is requiring a road closure plan with a detour route be submitted for their review and information. Our office is presently in the process of developing said plan and will be submitting the plan to the NJDOT.

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 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.
- It is my understanding that George Kotzias from Alethea Cleantech will be in attendance at the July 2, 2012 Committee meeting to update the Township Committee on the status of both the Sigler and Beidelman sites.

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 was held on June 6, 2012 at the Municipal Building where Township representatives met with FEMA representatives in an effort to move this particular reimbursement process forward. Bill Gleba from our office was in attendance at this meeting. I am sure that Mayor Butler and/or Sonny Read will be in a position to update the Township Committee regarding same.

The following **Resolution 2012-67** was presented for First Reading/Adoption (Tabled until next month after further discussion as to whether this is mandatory or not for a municipality to adopt) Attorney Benbrook advised committee that our CFO, Dawn Stanchina is correct as to what forms are being filed. Committeeperson Payne will further discuss with our CFO.

ADOPTING RESOLUTION
Resolution 2012-67
Franklin Township, Warren County, NJ

The undersigned Principal of Franklin Township (the Employer) hereby certifies that the following resolutions were duly adopted by the Employer on April 2, 2012, and that such resolutions have not been modified or rescinded as of the date hereof:

RESOLVED, that the form of Cafeteria Plan including a Dependent Care Flexible Spending Account and Health Flexible Spending Account effective May 1, 2012, presented to this meeting is hereby approved and adopted and that the duly authorized agents of the Employer are hereby authorized and directed to execute and deliver to the Administrator of the Plan one or more counterparts of the Plan.

RESOLVED, that the Administrator shall be instructed to take such actions that are deemed necessary and proper in order to implement the Plan, and to set up adequate accounting and administrative procedures to provide benefits under the Plan.

RESOLVED, that the duly authorized agents of the Employer shall act as soon as possible to notify the employees of the Employer of the adoption of the Cafeteria Plan by delivering to each employee a copy of the summary description of the Plan in the form of the Summary Plan Description presented to this meeting, which form is hereby approved.

The undersigned further certifies that attached hereto as Exhibits A and B, respectively, are true copies of Franklin Township Cafeteria Plan and the Summary Plan Description approved and adopted in the foregoing resolutions.

Principal

Date: _____

The within **Resolution 2012-67** was moved by _____ and seconded by _____ and upon roll call vote was passed.

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

() Yes () No () Absent Motion carried

Ms. Payne to explore having the Franklin CFO administrate the plan.

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 July 2, 2012.

Denise L. Cicerelle
Municipal Clerk

The following **Resolution 2012-69** was presented for First Reading/Adoption

RESOLUTION 2012-69

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:

Property Address	Block	Lot	Property Owner	Cost
29 Benjamin Drive	16	20.33	Michael & Diane D'Aries	\$130
45 Thatcher Avenue	35	5	Genaro B. Rodrigues	\$ 60
74 Good Springs Rd	27	4.08	Michael & Constance Horn	\$ 60
(Dates of Service for above properties 5/7/12 and 5/22/12)				
26 VanSyckle Road	11	12	Alejandro Gonzalez	\$195
(Date of Service 5/12/12 Chip limbs/tree debris storm damage/general clean)				

On motion by Mike Toretta and seconded by Sarah Payne the aforementioned **Resolution 2012-69** 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

Dated: July 2, 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 July 2, 2012.

Denise L. Cicerelle, RMC/CMR
Municipal Clerk

The following **Resolution 2012-70** was presented for First Reading/Adoption

RESOLUTION OF THE TOWNSHIP OF FRANKLIN Warren County, New Jersey

RESOLUTION NO. 2012-70

Title or Subject: Resolution of Award, Halfway House Road Embankment Stabilization Project

Be It Resolved, that on July 2, 2012 the Township Committee of the Township of Franklin adopted **Resolution 2012-70** to award a contract to perform the necessary construction to complete the Halfway House Road Embankment Stabilization project, a New Jersey Department of Transportation Local Aid Grant funded project, with a total project grant award in the amount of \$115,000.

Be It Further Resolved, that the Township Committee of the Township of Franklin does hereby award the project to Tillerman Landscaping, LLC of Whitehouse Station, NJ, for a total bid price of \$136,473.00, as listed and outlined within their completed project bid specification which was opened and read on May 31, 2012. Resolution and Written Contract are on file and available for public inspection in the office of the Municipal Clerk. Contract duration 60 days from issuance of notice to proceed.

ATTEST:

**TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF FRANKLIN**

Denise L. Cicerelle, RMC/CMR
Municipal Clerk

Bonnie Butler, Mayor

Date of Adoption: July 2, 2012

On motion by Sarah Payne and seconded by Mike Toretta the aforementioned **Resolution 2012-70** be adopted as read.

Roll Call Vote	Yes	No	Absent/Abstained
Joe Flynn	X		
Jacob Pence	X		
Sarah Payne	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 that the foregoing resolution is a true and exact copy adopted by the Township Committee of the Township of Franklin on July 2, 2012.

Denise L. Cicerelle, RMC/CMR
Municipal Clerk

The following **Resolution 2012-71** was presented for First Reading/Adoption

**TOWNSHIP OF FRANKLIN
COUNTY OF WARREN
RESOLUTION NO. 2012-71**

**RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND
APPROPRIATION NJS 40AA-87**

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the

Township of Franklin, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2012 in the sum of \$1,232.00 which is now available from donations to the Township of Franklin for the sole use of expenses related to the Historical Commission weekend festivities in the amount of \$1,232.00

BE IT FURTHER RESOLVED, that the like sum of \$1,232.00 is hereby appropriated under the caption Donations and

BE IT FURTHER RESOLVED, that the above is the result of funds from donations made by business and individuals in the amount of \$1,232.00

On motion by Joe Flynn and seconded by Mike Toretta the aforementioned **Resolution 2012-71** be adopted as read.

Roll Call Vote	Yes	No	Absent/Abstained
Joe Flynn	X		
Jacob Pence	X		
Sarah Payne	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 that the foregoing resolution is a true and exact copy adopted by the Township Committee of the Township of Franklin on July 2, 2012.

**Denise L. Cicerelle, RMC/CMR
Municipal Clerk**

DISCUSSIONS/APPROVALS

Replacement Windows for Municipal Offices

Committeeman Flynn updated the committee as to the current situation with the replacing of the office windows with windows that open. There are cracks where the concrete meets the block and follow the line back into the building and are causing damage. If we just replace the windows with a standard residential window he is not convinced that this would be the best way. Mr. Flynn reviewed quotes received previously in detail. Will replace with an operable window but it won't fix the problem and not convinced that this would be the best way. A computer photo of the situation was also provided. Jay Perantoni of SSP Architecture provided a list of commercial contractors for window replacement; as we should address this problem to fix it for the life of the roof. Mayor Butler would like to see a scope of work to try to correct the leakage. Mr. Flynn will work with Attorney and Engineer as to a scope of work and the contractors that already submitted quotes to see if they are able to accommodate what is required. Mr. Flynn feels we need to decide between a residential window vs. a commercial window and would like to confer with Mr. Perantoni as to what will work better for our situation.

Road Resurfacing

An extensive discussion ensued as to paving of various roads in the township. Ron Read, Road Foreman, provided a list of roads to oil/chip, paving or asphalt for 2012. (Wolverton, Lime Kiln, Edison, Thatcher, Second, Third, Beidleman, Herleman and Shurts) Advised his projected cost of the project would be approximately \$291,000. As to Beidleman Road, what is going on with the Solar Project? Attorney Benbrook advised that this will be discussed later in executive session and Mr. Read should evaluate this road and if it is needed to put on the list for repair. Mr. Read will keep Beidleman on his list for repair.

Engineer Finelli advised that after speaking with Charlie Hamburger of Tilcon, they will require from Franklin Township a letter, executed by the mayor to guarantee the monies available in the budget of \$310,000 for this paving project, which will take approximately a week and a half of steady paving, and to schedule this commitment with Tilcon.

On motion by Joe Flynn and seconded by Bonnie Butler to approximate value of road paving project of \$310,000 for Mountain View Road East and Montana Road

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

The following **Resolution 2012-72** was presented for First Reading/Adoption (As recommended by Planner, James Kyle)

RESOLUTION 2012-72

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, *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, the Governing Body of the Township of Franklin has submitted an amended spending plan, currently under review by the Department of Community Affairs' ("DCA" or "the Department"), Local Planning Services unit; and

WHEREAS, the ARC of Warren County and the Warren County Housing Program are currently considering required maintenance and repairs to the Whites Road Group Home, in the form of construction of barrier-free emergency access improvements consisting of handicapped-accessible ramps and the creation of a handicapped-accessible parking space; and

WHEREAS, the Township has entered into contract with the Warren County Housing Program and the Warren County Board of Chosen Freeholders for the provision of rehabilitation services within the Township of Franklin; and

WHEREAS, the Township of Franklin has included in its amended spending plan an allocation of \$13,690 to the Warren County Housing Program for the purposes of assisting with maintenance and repairs required at the Whites Road Group Home; and

WHEREAS, the total cost of required maintenance and repairs at the Whites Road Group Home as described above will far exceed the \$13,690 allocation intended by the Township, with the ARC of Warren County and the Warren County Housing Program intending to fund the balance of total costs; and

WHEREAS, the Township of Franklin will rely on the Warren County Housing Program to carry out all required design, bidding for construction, inspection of improvements and payments to contractors in accordance with their standard practices and procedures as a public agency of the County of Warren, and that the Warren County Housing Program will be responsible for all contractual arrangements and payments to professionals and contractors working on the project.

NOW THEREFORE BE IT RESOLVED that the Governing Body of *the Township of Franklin, Warren County* authorizes payment of \$13,690 to the Warren County Housing Program for purposes of maintenance and repairs to the Whites Road Group Home, consisting of construction of barrier-free emergency access improvements including handicapped-accessible ramps and the creation of a handicapped-accessible parking space.

BE IT FURTHER RESOLVED that the distribution of said monies is contingent on the approval of an amended spending plan by the Local Planning Services Unit.

Denise Cicerelle
Municipal Clerk

On motion by Sarah Payne and seconded by Michael Toretta the aforementioned **Resolution 2012-72** 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

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 July 2nd, 2012.

Denise L. Cicerelle, RMC/CMR

Dated: July 2, 2012

The following **Resolution 2012-73** was presented for First Reading/Adoption

RESOLUTION 2012- 73

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 a need and opportunity to assist the ARC of Warren County and the Warren County Housing Program with the maintenance and repair of affordable units 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.

Denise Cicerelle
Municipal Clerk

On motion by Sarah Payne and seconded by Michael Toretta the aforementioned **Resolution 2012-73** 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

Dated: July 2, 2012

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 July 2nd, 2012.

Denise L. Cicerelle, RMC/CMR

REPORTS/UPDATES

Attorney Report – Report on File

Jim Onembo – Code Enforcement/Zoning

Not present

Roger Bulava – Recycling

Annual Spring Clean Up was Saturday, June 9th from 7:00 am – 3:00 pm, 265 tickets collected, 2 roll offs items collected a total 8,436 pounds converted to 4.2 tons of electronics, scrap metal from DonJon Recycling \$393.80 check received. DonJon deducted cost of Freon of refrigerators/air conditioners, Kober's will extract for free. Spoke with Sanico cost trash components \$5,670.60 8 (30 yd roll offs) and (30 packers) \$700 more than last year.

DPW REPORT – Report on File

First Aid Kits still need to be installed in all DPW vehicles, Mayor Butler will purchase kits.

OPEN SPACE REPORT:

No one present at meeting.

Franklin Township Youth Association:

Quarterly Report submitted

Rescue Squad – Chief Karen Chiu

Report to be given next month.

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

OEM Report - FEMA reimbursement for Road Department, a second check electronically received from the Hurricane Irene Storm. FEMA will be back at the end of July, which will be our final audit for Irene, 3 checks should be electronically filed, if reports are not up to date and per state mandate we will have to reimburse all monies received. Can only go so far as a stipend employee to get his job done, but needs help from Committee as well.

TOWNSHIP COMMITTEE REPORTS:

Joe Flynn

Committeeman Flynn advised that Committeeperson Payne did first movie night, hand full of people there. Speakers were rented, have prices tonight to purchase. Quote received from Dave Phillips Music & Sound \$928. Can also be utilized in the community center, as well, to provide a good sound system. Can use Community Center money to purchase.

On motion by Mike Toretta and seconded by Jacob Pence to purchase the speakers as per above quote not to exceed \$1000.00.

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

Jacob Pence

Nothing to comment

Sarah Payne

Committeeperson Payne attended a County Planning Board meeting interesting what they'd like to do and how Franklin or County fits into this. There is a long range 25yr plan that might become another 25 years before they see 33 miles of canal in the county preserved. Options presented to create hubs or destination spots along canal; take original canal buy up from original land owners to put a trail up on tow path to move from one hub to another; might improve some business districts along the way, realization from a freeholder may not be possible to preserve the entire canal. Starting to move on this and will hear more about this.

Michael Toretta

Nothing further to report.

Bonnie Butler, Mayor

Mayor Butler asked to look into copier contract, need something that can be hard wired, Peggy advised that this copier can't handle any type of volume. Certain departments, such as Clerk and CFO need a separate printer.

OPEN PUBLIC SESSION

Ron DeTore

An extensive discussion as to an ongoing matter as to the maintenance of weeds adjacent to his property in front of his home and referring to a Guideline in the Land Use Law as to health/safety/welfare. Attorney Benbrook conveyed as to the Municipal Land Use Law, as to the subsection he is referring to does not apply to Valley Greene and the open space lot. The newly adopted ordinance, just passed by the township, would apply. The homeowners association would be responsible to maintain the open space lot, as the township does not get involved with this. If Jim Onembo feels that there is a health/safety then it would be a case by case basis. Attorney advised that the DeTore's are free to petition to their homeowners association but their remedy is not the township to act as a mediator between him and their association in which they live.

EXECUTIVE SESSION

BE IT RESOLVED, on this 2nd day of July, 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/PERSONNEL

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 July, 2012 by the Franklin Township Committee, that the matter stated will be discussed in executive session, said session to commence at 9:00 p.m.

On Motion by Sarah Payne and seconded by Mike Toretta to exit to executive session at 9:00 pm. Unanimous Vote.

On motion by Mike Toretta and seconded by Jacob Pence to return to the regular session at 10:35 p.m. Unanimous Vote.

On motion by Joe Flynn and seconded by Mike Toretta, to pay appropriate bills on bill list, and add A&A Concrete bill submitted by Engineer Finelli in the amount of \$15,300 for final work to the Asbury Historical Sidewalk Project.

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

On motion by Mike Toretta and seconded by Joe Flynn, hearing no objection, meeting stands adjourned at 10:45 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,

Margaret Housman
Office Assistant