

REGULAR MEETING

The Franklin Township Committee held its regular monthly meeting at 7:00 pm on Monday, December 3, 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, Michael Finelli, Municipal Engineer, Kevin Benbrook, Municipal Attorney, Roger Bulava, Recycling Coordinator, Jim Onembo, Zoning/Code Enforcement.

Following the flag salute a roll call of committee members present.

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

The Regular Meeting Minutes of November 5, 2012 were accepted on motion by Mike Toretta, and seconded by Sarah Payne, Unanimous Vote. Executive Meeting Minutes of November 5, 2012 were accepted on motion by Joe Flynn, and seconded by Mike Toretta, Unanimous Vote. The Budget Workshop Meeting Minutes of November 19, 2012 were accepted on motion by Sarah Payne, and seconded by Joe Flynn, Unanimous Vote. Executive Budget Workshop Meeting Minutes of November 19, 2012 were accepted on motion by Jacob Pence, and seconded by Sarah Payne, Unanimous Vote.

ENGINEER'S REPORT: (No formal report submitted this month)

Mr. Finelli briefed the committee as to pending projects as follows:

Halfway House Road – job completed

Asbury Historic District Pedestrian Improvements – Township will be receiving approximately \$67,000 and the revised close out documentation was mailed out to the NJDOT.

Wastewater Management Plan – Currently in the process of concluding preparation of "Future Wastewater Service Area Map" to be eventually included in the township's wastewater management plan. A meeting will be set up for further discussion.

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 public comment.

NJSP

No representative in attendance due to a fire call

PRESENTATION:

Musconetcong Watershed Association –

Beth Styler Barry of the Musconetcong Watershed Association as well as Chuck Gullage, Trustee Emeritus of same, present at this meeting as to a proposal for funding from the Open Space Trust Fund. The MWA plans to restore the Asbury Grist Mill in three phases. The MWA will retain the title of the Mill. After completion of the first stage of restoration of the mill and surrounding property, available for recreational purposes; such as fishing, paddling and picnicking. Latter stage; use of additional office space, museum, paleolithic culture and early agricultural history. The first floor of the mill will be available for community gatherings. The MWA has received partial project funding for the Warren County Municipal and Charitable Conservancy Trust Fund to start Phase I. Asbury Carbons pledged a “challenge grant” of \$50,000, for every dollar donated to the project up to \$50,000, they will match it dollar for dollar. Asking for assistance through Franklin Township through the Open Space Trust Fund in the amount of \$100,000 putting MWA close to fully funding Phase I of the Mill Restoration.

Open Public (as to MWA presentation)

Dave Detrick – Feels the project is wonderful for our community. We all contribute to the Open Space/Historic Trust Tax and encourage the committee to allocate funds needed to help fund the project. Farmland preservation and in cooperation with the county and state, not much of these funds are used for this type of project.

Rick Gardner – As from a county perspective, the MWA is always on tract and on time with their budgets and the county is pleased to support this project. Also, the county is in support of 50% of the sign project after speaking with Leonard Ziegler. Mayor Butler advised that the sign is in the works.

Attorney Benbrook voiced concern with funds being provided through the Open Space/Historic Trust Tax if a new owner were to purchase this property, would it continue with the public purpose of this project in perpetuity with the funding?

On motion by Sarah Payne and seconded by Joe Flynn to approve funding to the Musconetcong Watershed Association, Phase I, in the amount, not to exceed, \$150,557.00, contingent with additional language as stated above by Attorney Benbrook.

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

INTRODUCTION/ADOPTION OF:

The following Resolution 2012-86 was presented for First Reading/Adoption

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	\$ 70
74 Good Springs Road	27	4.08	Michael & Constance Horn	\$ 70

(Dates of Service for above properties 10/1/12 and 10/16/12)

On motion by Mike Toretta and seconded by Sarah Payne the aforementioned Resolution 2012-86 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: December 3, 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 December 3, 2012.

Denise L. Cicerelle, RMC/CMR
Municipal Clerk

The following Resolution 2012-87 was presented for First Reading/Adoption

RESOLUTION 2012-87

WHEREAS, FWDSL & Associate, LLC holds Tax Sale Certificate # 12-006 on Block 51.02 Lot 16 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 \$4039.23 to FWDSL & Associates, LLC, 5 Cold Hill Road S., Suite 11, Mendham, NJ 07945

On motion by Sarah Payne and seconded by Joe Flynn the aforementioned Resolution 2012-87 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: December 3, 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 December 3, 2012.

Denise L. Cicerelle, RMC/CMR
Municipal Clerk

The following Resolution 2012-88 was presented for First Reading/Adoption

RESOLUTION NO. 2012-88

WHEREAS, FWDSL & Associate, LLC holds Tax Sale Certificate # 12-007 and has paid subsequent taxes on Block 51.04 Lot 9 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 \$6,063.39 and the premium amount of \$21,500.00, for a total refund of \$27,563.39 to FWDSL & Associates, LLC, 5 Cold Hill Road S., Suite 11, Mendham, NJ 07945

On motion by Sarah Payne and seconded by Joe Flynn the aforementioned Resolution 2012-88 be adopted as read.

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

CERTIFICATION

I hereby certify this to be a true copy of the original resolution adopted by the governing body at a duly convened meeting on the 3rd day of December, 2012.

Denise L. Cicerelle, Municipal Clerk

Dated: December 3, 2012

The following Resolution 2012-89 was presented for First Reading/Adoption

RESOLUTION NO. 2012-89

WHEREAS, US Bank-Cust for Pro Capital I, LLC holds Tax Sale Certificate #12-002 on Block 35 Lot 5 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 \$ 292.62 to US Bank-Cust for Pro Capital I, LLC, 50 South 16th Street, Suite 1950, Philadelphia, PA 19102.

On motion by Sarah Payne and seconded by Joe Flynn the aforementioned Resolution 2012-89 be adopted as read.

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

CERTIFICATION

I hereby certify this to be a true copy of the original resolution adopted by the governing body at a regular meeting on the 3rd day of December, 2012.

Denise L. Cicerelle, Municipal Clerk

Dated: December 3, 2012

The following Resolution 2012-90 was presented for First Reading/Adoption

RESOLUTION NO. 2012-90

WHEREAS, US Bank-Cust for Sass Muni V dtr holds Tax Sale Certificate #11-02 on Block 35 Lot 5 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 \$ 1,434.18 to US Bank-Cust for Sass Muni V dtr, 2 Liberty Place, 50 South 16th Street, Suite 1950, Philadelphia, PA 19102.

On motion by Sarah Payne and seconded by Joe Flynn the aforementioned Resolution 2012-90 be adopted as read.

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

CERTIFICATION

I hereby certify this to be a true copy of the original resolution adopted by the governing body at a duly convened meeting on the 3rd day of December, 2012.

Denise L. Cicerelle, Municipal Clerk

Dated: December 3, 2012

The following Resolution 2012-91 was presented for First Reading/Adoption

Resolution 2012-91
Resolution Opposing S-2/A-1171

WHEREAS, S-2/A-1171 are meant to promote the more effective operation of local government and sharing of services among local units and

WHEREAS, initially S-2 removed or reduced many of the roadblocks that increase the costs of shared services – things like terminal leave, pay, civil service mandates, employee tenure requirements – many of the original provisions in the bill could reduce the costs and hurdles to shared services and consolidations, produce municipal savings and promote relief for our taxpayers; and

WHEREAS, the recent amendments to S-2 removed many of the labor provisions that would have given municipalities tools to implement a shared service without the time consuming hurdles that diminished the savings and will now discourage shared services from a municipalities' perspective by continuing the hindrances imposed by Civil Service; and

WHEREAS, the amendments removed not only the preamble language that the bill would “supersedes existing Civil Service and tenure provisions” but also removed the suspension of Civil Service rules regarding layoff, transfer, seniority, testing, bumping rights and tenure; and

WHEREAS, the amendments would now require that any non civil service municipality who has a shared service agreement with civil service municipality serving as the Lead Agency be brought into the civil service system, thus expanding the civil service system; and

WHEREAS, the amendments would require that municipalities entering into the shared service agreement be subject to civil service rules and collective bargaining agreements for determining which employee stays, protects the seniority provisions removing management prerogative on retaining the best qualified and most efficient work force; and

WHEREAS, the amendments would require that any contractual provision dispute be settled by mediation, or if necessary, arbitration which will impede the process from moving expeditiously and will not result in cost savings, which will likely result in mediation and arbitration becoming the norm thus leading to delays and additional cost; and

WHEREAS, S-2 would, on the one hand, allow the voters to express their will; but on the other hand, inform those voters that they will lose their State Aid if their will does not comport with that of a majority of the appointed members of the Local Unit, Realignment and Consolidation Commissioner, (LUARCC); and

WHEREAS, while we appreciate the consideration and acceptance of the amendments that would clarify the process, on balance, the benefits of those amendments are outweighed by the lose of the suspension of the Civil Service rules and regulations; and

WHEREAS, S-2/A-1171 is based on the misconception that municipalities do not share services when in fact shared Services are not a new concept to municipalities, dating back well before the Interlocal Services Act of 1973;and

WHEREAS, S-2/A-1171 is also based on the misconception that smaller governments are less efficient and effective than larger ones, an assumption that is not necessarily the case and contrary to lessons learned from recent events in which the municipal elected officials and professionals were very effective in pooling their resources and responding quickly; and

WHEREAS, there is no overnight cure to our property tax crisis and Shared services, consolidation or other cost saving measures are long-term actions where benefits/savings may not be seen for a number of years down the road;

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Township of Franklin, in the County of Warren strongly opposes S-2/A-1171 not only on the issue of the voter penalty but on the lose of the Civil Service reform; and

BE IT FURTHER RESOLVED that S-2/A-1171 be reviewed by the Red Tape Review Commission, which has tirelessly worked to remove government hurdles, and the Civil Service Commission before the bill proceeds to ensure that the proposed amendments do not create additional Civil Service burdens and hurdles that further impede shared services and drive up cost; and

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to the Governor of the State of New Jersey, our State Legislators and the League of Municipalities.

On motion by Bonnie Butler and seconded by Mike Toretta the aforementioned Resolution 2012-91 be adopted as read.

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

CERTIFICATION

I hereby certify this to be a true copy of the original resolution adopted by the governing body at a duly convened meeting on the 3rd day of December, 2012.

Denise L. Cicerelle, Municipal Clerk

Dated: December 3, 2012

The following Resolution 2012-92 was presented for First Reading/Adoption

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

RESOLUTION 2012– 92
BUDGET TRANSFER**

WHEREAS, N.J.S.A. 40A:4-58 and 59 authorizes transfers from certain budget appropriations where it is expected that it will be insufficient, and

WHEREAS, it is reasonable expected that certain appropriations will not be sufficient for contemplated expenditures;

NOW, THEREFORE, BE IT RESOLVED that the Chief Financial Officer of Franklin Township, County of Warren, State of New Jersey, is hereby instructed to adjust the financial records in accordance with the provision of this Resolution:

CURRENT FUND

Account:	From:	To:
Road Maintenance SW	\$13,333.36	
Employee Group Insurance	\$ 5,000.00	
Human Resources, OE	\$ 1,250.00	
Financial OE		\$ 1,500.00
Legal OE		\$ 4,000.00
Engineering OE		\$ 10,000.00
Solid Waste Collection OE		\$ 750.00
Court OE		\$ 3,333.36
TOTALS	\$19,583.36	\$ 19,583.36

On motion by Joe Flynn and seconded by Jacob Pence the aforementioned Resolution 2012-92 be adopted as read.

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

CERTIFICATION

I, Denise L. Cicerelle, Township Clerk, do hereby certify that the foregoing is a true copy of a resolution adopted by the Franklin Township Committee at a meeting held on the 3rd day of December, 2012.

IN WITNESS WHEREOF, I have hereunder set my hand and the official seal of this body this 3rd day of December, 2012.

Denise L. Cicerelle, Municipal Clerk

Dated: December 3, 2012

DISCUSSIONS/APPROVALS

Alethea Cleantech Advisors (Lease Option Agreement, Second Amendment)

After a small discussion the committee consensus is NOT to entertain execution of the second amendment.

DPW Bucket Loader Quotes

Foreman Read no in attendance at this meeting will discuss at a later time.

Advertise for Bids (Previous Sigler Property)

Discussion ensued as to advertising this property for farming of real property. Revisions were discussed and Attorney Benbrook will apply accordingly. This will be opened up to Mr. Sigler as well as all other farmers.

On motion by Sarah Payne and seconded by Jacob Pence to go out for Bid on this property, Block 26 Lots 3 and 8.

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

Annual Contract Payment (Carl Sigler)

On motion by Mike Toretta and seconded by Jacob Pence to pay next installment of \$282,187.50 to Carl Sigler, out of the Open Space Fund monies accordingly.

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

REPORTS/UPDATES

Attorney Report – Report on File

Roger Bulava – Recycling

Mr. Bulava updated committee as to Donjon Recycling expanding their business.

Jim Onembo – Code Enforcement/Zoning

Mr. Onembo advised of the following:

New Village Mall having one (1) sign in lieu of several “stick in the ground” signs.
Possible new owner of the Verizon Building.

DPW REPORT – No report submitted

Mr. Read not present at this meeting.

OPEN SPACE REPORT:

No one present at meeting.

Franklin Township Youth Association:

No one present at meeting.

Rescue Squad – Chief Karen Chiu

No report for this month.

TOWNSHIP COMMITTEE REPORTS:

Joe Flynn

A five (5) page proposal received for Community Center Coordinator, copies handed out to committee for review and further discussion. Key Fob system blew up due to power outage from Hurricane Sandy, back up and working.

Jacob Pence

Nothing further to report.

Sarah Payne

Committeeperson Payne informed that the Employee Medical Insurance will change again, effective March 1st, comparable info will follow shortly from the insurance company. A concern as to in front of the new Dunkin Donuts on Rt. 57, Hi-Impact area for accidents. Engineer Finelli will contact the State DOT for further discussion.

Michael Toretta

Nothing further to report.

Bonnie Butler, Mayor

Mayor Butler informed of another EPA Pohatcong Valley Groundwater Contamination Superfund meeting being held in Greenwich Township, December 6th 2-4pm and 6-8pm. Annual Bowl-a-thon for Big Brother and Big Sisters, she or committee not able to attend. In case of another storm, we should try to reach out to our residents prior to it hitting to inform of our residents of shelters and other safety information, this can be coordinated with our OEM.

OEM/Fire Department – Chief Sonny Read

Chief Read not present at this meeting due to attendance required at another meeting.

OPEN PUBLIC SESSION

Karen Chiu

A thank you to all those participating in the annual “Tree Lighting” ceremony at the municipal building. Possibly a new tree will be donated next year. Mayor Butler thanked Ms. Chiu for her organizing this ceremony.

EXECUTIVE SESSION

BE IT RESOLVED, on this 3rd day of December, 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/PROFESSIONAL CONTRACTS/COMPLIANCE PLAN
ASSESSMENTS**

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 3rd, day of December, 2012 by the Franklin Township Committee, that the matter stated will be discussed in executive session, said session to commence at 8:43 pm.

On Motion by Sarah Payne and seconded by Joe Flynn to exit to executive session at 8:43 p.m.
Unanimous Vote.

On motion by Sarah Payne and seconded Jacob Pence to return to the regular session at 9:32 p.m.
Unanimous Vote.

Mayor Butler will discuss with Roger Bulava, Recycle Coordinator as to the Roadside Clean Up Grant as to volunteer groups and outside groups.

OEM compensation for big storms and declaration of emergencies needs to be further discussed.

MOTION FOR PAYMENT OF BILL LIST

On motion by Mike Toretta and seconded by Joe Flynn, and hearing no objection, to pay bills as per bill list submitted by the Chief Financial Officer.

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

ADJOURNMENT

On motion by Joe Flynn and seconded by Jacob Pence, hearing no objection, meeting stands adjourned at 9:44 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
Municipal Clerk

