

**REGULAR MEETING**

The Franklin Township Committee held its regular monthly meeting and called to order at approximately 7:05 pm on Monday, November 2, 2015. 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.

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

**ROLL CALL OF COMMITTEE MEMBERS PRESENT:** Jacob Pence, Mike Toretta, Mayor Bonnie Butler; (3) Present.

**Absent: Jeff DeAngelis, Joe Flynn;** (2) Absent

Present were: Mike Finelli, Municipal Engineer, Kevin Benbrook, Municipal Attorney, Jim Onembo, Zoning & Code Enforcement, Roger Bulava, Recycling Coordinator, Sonny Read, OEM/Fire Chief, Ron Read, DPW Foreman, Denise L. Becton, Municipal Clerk.

**CONSENT AGENDA:**

**1. MINUTES**

- a. Regular Meeting Minutes and Executive Session Meeting Minutes of October 5, 2015

**2. RESOLUTIONS**

- a. **Resolution 2015-74;** A resolution authorizing the execution of a farm lease with Sam Santini, Jr.
- b. **Resolution 2015-75;** A resolution of tax refund, Block 56, Lot 17, \$17,952.75 to Empire Tax Fund VII
- c. **Resolution 2015-76;** RE: Brush Noxious Weeds and Grass (29 Benjamin Dr., 45 Thatcher Avenue, 8 Edison Rd., 25 Beidleman Rd., 2477 Rt. 57, 6 Montana Rd., 2194 Rt. 57, 7 Whites Rd., 36 Halfway House Rd.)

The above Minutes and Resolutions were accepted on motion by Mike Toretta, and seconded by Jacob Pence, all in favor.

<b>Roll Call Vote:</b>	<b>Yes</b>	<b>No</b>	<b>Absent/Abstained</b>
Joe Flynn			X
Jeff DeAngelis			X
Jacob Pence	X		
Michael Toretta	X		
Mayor Bonnie Butler	X	(3) Yes (0) No (2) Absent	Motion carried

**RESOLUTIONS: The following were presented for adoption**

**RESOLUTION 2015-74**

**RESOLUTION AUTHORIZING THE EXECUTION OF A FARM LEASE WITH SAM SANTINI, JR.**

**WHEREAS**, the Township of Franklin has an existing Lease Agreement with Sam Santini, Jr. to farm Block 16, Lot 21, which said Agreement expires following the 2015 harvest season;; and

**WHEREAS**, the property has been farmed in accordance with appropriate agricultural management practices, and the Township desires to extend the term of the Agreement, said extension having been explicitly provided for in the initial Agreement.

**NOW, THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Franklin, County of Warren, State of New Jersey, that the Mayor and Clerk be and hereby are authorized to execute the Agreement attached hereto as Exhibit A.

On motion by Mike Toretta and seconded by Jacob Pence the aforementioned **Resolution 2015-74** be adopted as read.

<b>Roll Call Vote</b>	<b>Yes</b>	<b>No</b>	<b>Absent/Abstained</b>
Jacob Pence	X		
Jeffrey DeAngelis			X
Joe Flynn			X
Michael Toretta	X		
Mayor Bonnie Butler	X	(3) Yes (0) No (2) Absent	Motion Carried

Dated: November 2, 2015

**RESOLUTION NO. 2015-75**

**WHEREAS**, Empire Tax Fund VII, LLC holds Tax Sale Certificate #13-006 on Block 56 Lot 17 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 Tax Lien amount of \$ 13,452.75 plus the Tax Sale Premium amount of \$4,500.00 for a total of \$17,952.75 to Empire Tax Fund VII, 57 West 38~ Street, 9~ Floor, New York, NY 10018.

On motion by Mike Toretta and seconded by Jacob Pence the aforementioned **Resolution 2015-75** be adopted as read.

<b>Roll Call Vote</b>	<b>Yes</b>	<b>No</b>	<b>Absent/Abstained</b>
Jacob Pence	X		
Jeffrey DeAngelis			X
Joe Flynn			X
Michael Toretta	X		
Mayor Bonnie Butler	X	(3) Yes (0) No (2) Absent	Motion Carried

Dated: November 2, 2015

**RESOLUTION 2015-76**

**WHEREAS**, the General Code of the Township of Franklin, Chapter 48, Article 1 and Article 2 Regulating the growth of Brush, Noxious Weeds and Grass, Etc. Authorizes the Department of Public Works to remove debris, brush and noxious growth after Providing the notice required by the ordinance; and

**WHEREAS**, the required notice was sent to the below properties by certified mail return receipt requested and regular mail; and

**WHEREAS**, ten days has elapsed since the notices were received; and

**WHEREAS**, the property owners failed to remove the debris, brush and noxious growth within ten days of their receipt of the notice; and

**WHEREAS**, the outside contractor, for Franklin Township, Warren County, NJ caused the debris, brush, and noxious growth to be removed; and

**WHEREAS**, the outside contractor, for Franklin Township, Warren County, NJ has certified to the Mayor and Committee the cost of the removal of the debris, brush and noxious growth.

**THEREFORE, BE IT RESOLVED, BY THE MAYOR AND COMMITTEE OF THE TOWNSHIP OF FRANKLIN, AS FOLLOWS:**

1. The certification of the costs of removal of the debris, brush and noxious growth has been examined and found to be correct.
2. The tax collector is hereby directed that the following costs shall be charged against the land and shall be added to and become part of the taxes next to be assessed and levied upon such land, to bear interest at the same rate as taxes, and shall be collected and enforced by the tax collector in the same manner as taxes:

<u>Property Address</u>	<u>Block</u>	<u>Lot</u>	<u>Property Owner</u>	<u>Cost</u>
<b>29 Benjamin Drive</b> (8/05/15 & 8/19/15)	16	20.33	Michael & Diane D’Aries	\$150
<b>45 Thatcher Avenue</b> (8/05/15 & 8/19/15)	35	5	Genaro B. Rodrigues	\$ 90
<b>8 Edison Road</b> (8/05/15 & 8/19/15)	36	20	Zachary Parkes & Kelly Linhart	\$100
<b>25 Beidleman Road</b> (8/05/15 & 8/19/15)	16.01	15	Jose A. Gomes	\$120
<b>2477 Rt. 57</b> (8/05/15 & 8/19/15)	37	6	Kalpesh Patel	\$100
<b>6 Montana Rd.</b> (7/29/15 & 8/12/15 & 8/26/15)	3	1.04	Lee & Michelle Spano	\$225
<b>2194 Rt. 57</b> (8/29/15 & 8/12/15 & 8/26/15)	18	14	Action Mechanival	\$180
<b>7 Whites Rd.</b> (7/29/15 & 8/12/15 & 8/26/15)	7	17.05	Ronald & Lori Heft	\$120
<b>36 Halfway House Rd.</b> (7/29/15 & 8/12/15 & 8/26/15)	15	15	Richard & Lisa Standish	\$165

On motion by Mike Toretta and seconded by Jacob Pence the aforementioned **Resolution 2015-76** be adopted as read.

<b>Roll Call Vote</b>	<b>Yes</b>	<b>No</b>	<b>Absent/Abstained</b>
Jacob Pence	X		
Jeffrey DeAngelis			X
Joe Flynn			X
Michael Toretta	X		
Mayor Bonnie Butler	X	(3) Yes (0) No (2) Absent	Motion Carried

Dated: November 2, 2015

**NEW BUSINESS:**

**Discussion/Approval/Resolution –**

A resolution authorizing professional appraisers to be appointed to estimate the fair market value of the farm properties owned by Lisa Myers and Mike Toretta. Tabled until next month.

**Discussion/Approval –**

The Franklin Township Historical Commission would like to purchase and plant a sugar maple tree along with the time capsule from the 175<sup>th</sup> Anniversary Celebration. They would like to plant this on the east side of the municipal building and place a gator around the tree to help maintain proper water levels for the tree for the next several seasons. In the near future possibly a bench could be added. The cost of the tree, planting the tree and the gator would be approximately \$500.

Moved by Mayor, Bonnie Butler and seconded by Committeeperson Jacob Pence to approve the above project not to exceed \$500 and upon roll call vote was passed.

<b>Roll Call Vote:</b>	<b>Yes</b>	<b>No</b>	<b>Absent/Abstained</b>
Jacob Pence	X		
Jeff DeAngelis			X
Joe Flynn			X
Michael Toretta	X		
Mayor Bonnie Butler	X	(3) Yes (0) No (2) Absent	Motion Carried

**First Reading/Introduction – Ordinance 2015-9**

**ORDINANCE 2015-9**

**AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN  
CREATING A NEW CHAPTER 97 OF THE CODE OF THE TOWNSHIP OF FRANKLIN  
ENTITLED, “MAINTENANCE  
OF VACANT/ABANDONED PROPERTIES”**

**WHEREAS**, the Township of Franklin (the "Township") contains structures which are vacant and/or abandoned in whole or large part; and

**WHEREAS**, in many cases, the owners or responsible parties of these structures are neglectful of them, are not maintaining or securing them to an adequate standard or restoring them to productive use; and

**WHEREAS**, it has been established that vacant and abandoned structures cause severe harm to the health, safety and general welfare of the community, including diminution of neighboring property values, increased risk of fire and potential increases in criminal activity and public health risks; and

**WHEREAS**, the Township incurs disproportionate costs in order to deal with the problems of vacant and abandoned structures, including but not limited to, excessive police calls, fire calls and property inspections; and

**WHEREAS**, it is in the public interest for the Township to establish minimum standards of accountability on the owners or other responsible parties of vacant and abandoned structures in order to protect the health, safety and general welfare of the residents of the Township; and

**WHEREAS**, it is in the public interest for the Township to impose a fee in conjunction with registration of vacant and abandoned structures in light of the disproportionate costs imposed on the Township by the presence of these structures.

**NOW, THEREFORE**, the Mayor and Committee of the Township of Franklin, County of Warren, State of New Jersey, be and hereby create a new Chapter 97 of the Code of the Township of Franklin as follows:

**Section 1.**

**CHAPTER 97  
MAINTENANCE OF VACANT/ABANDONED PROPERTIES**

**§97-1. Definitions.**

Owner — shall include the title holder, any agent of the title holder having authority to act with respect to a vacant/abandoned property, any foreclosing entity subject to the provisions of C.46:10B-51 (P.L. 2008, c. 127, Sec. 17 as amended by P.L. 2009, c. 296), or any other entity determined by the Township of Franklin to have authority to act with respect to the property.

Vacant Property — any building used or to be used as a residence, commercial or industrial structure which is not legally occupied or at which substantially all lawful construction operations or occupancy has ceased, and which is in such condition that it cannot legally be reoccupied without repair or rehabilitation, including but not limited to any property meeting the definition of abandoned property in N.J.S.A. 55:19-54, 55:19-78, 55:19-79, 55:19-80 and 55:19-81; provided, however, that any property where all building systems are in working order, where the building and grounds are maintained in good order, or where the building is in habitable condition, and where the building is being actively marketed by its owner for sale or rental, shall not be deemed a vacant property for purposes of this ordinance.

Abandoned Property — pursuant to N.J.S.A. 55:19-81 is defined as follows:

Any property that has not been legally occupied for a period of six months and which meets any one of the following additional criteria may be deemed to be abandoned property upon a determination by the public officer that:

The property is in need of rehabilitation in the reasonable judgment of the public officer, and no rehabilitation has taken place during that six-month period;

- a. Construction was initiated on the property and was discontinued prior to completion, leaving the building unsuitable for occupancy, and no construction has taken place for at least six months as of the date of a determination by the public officer pursuant to this section;
- b. At least one installment of property tax remains unpaid and delinquent on that property in accordance with chapter 4 of title 54 of the Revised Statutes of the date of the determination by the public officer pursuant to this section; or
- c. The property has been determined to be a nuisance by the public officer in accordance with section 5 of P.L.2003, c. 210 (C.55:1982). A property which contains both residential and non-residential space may be considered abandoned pursuant to P.L. 2003, c. 210 (C.55:19-78 et al.) so long as two-thirds or more of the total net square footage of the building was previously legally occupied as residential or commercial space and none of the residential or commercial space has been legally occupied for at least six month at the time of the

determination of abandonment by the public officer and the property meets the criteria of either subsection a. or subsection d. of this section.

**§97-2. Registration requirements.**

Effective upon the adoption of this ordinance, the owner of any vacant property as defined herein shall, within 30 calendar days after the building becomes vacant property; or within 10 calendar days of receipt of notice by the municipality, file a registration statement for such vacant property with the Township Clerk on forms provided by the Township for such purposes. Failure to receive notice by the municipality shall not constitute grounds for failing to register the property.

- a. Each property having a separate block and lot number as designated in official records of the municipality shall be registered separately.
- b. The registration statement shall include the name, street address, telephone number, and email address (if applicable) of a person 21 years or older, designated by the owner or owners as the authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceedings on behalf of such owner or owners in connection with the enforcement of any applicable code; and the name, street address, telephone number, and email (if applicable) of the firm and the actual name(s) of the firms individual principal(s) responsible for maintaining the property. The individual or representative of the firm responsible for maintaining the property shall be available by telephone or in person on a 24 hour per day, seven-day per week basis. The two entities may be the same or different persons. Both entities shown on the statement must maintain offices in the State of New Jersey or reside within the State of New Jersey.
- c. The registration shall remain valid for one year from the date of registration except for the initial registration which shall be pro-rated through December 31. The owner shall be required to renew the registration annually as long as the building remains a vacant and/or abandoned property and shall pay a registration or renewal fee in the amount prescribed in Section 222.1-5 of this ordinance, for each vacant property registered.
- d. The annual renewal shall be completed by January 1<sup>st</sup> each year. The initial registration fee shall be pro-rated for registration statements received less than 10 months prior to that date.
- e. The owner shall notify the Property Maintenance Inspector within 30 calendar days of any change in the registration information by filing an amended registration statement on a form provided by the Township Clerk for such purpose.
- f. The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the Township against the owner or owners of the building.

**§97-3. Access to vacant properties.**

The owner of any vacant property registered under this Article shall provide access to the Township to conduct exterior and interior inspections of the building to determine compliance with municipal codes, upon reasonable notice to the property owner or the designated agent. Such inspections shall be carried out on weekdays during the hours of 9:00 a.m. and 4:00 p.m., or such other time as may be mutually agreed upon between the owner and the Township.

**§97-4. Responsible owner or agent.**

- a. An owner who meets the requirements of this Article with respect to the location of his or her residence or workplace in the State of New Jersey may designate him or herself as agent or as the individual responsible for maintaining the property.
- b. By designating an authorized agent under the provisions of this section the owner consents to receive any and all notices of code violations concerning the registered vacant property and all process in any court proceeding or administrative enforcement proceeding brought to enforce code provisions concerning the registered building by service of the notice or process on the authorized agent. Any owner who has designated an authorized agent under the provisions of this section shall be deemed to consent to the continuation of the agent's designation for the purposes of this section until the owner notifies the Township in writing of a change of authorized agent or until the owner files a new annual registration statement.

- c. Any owner who fails to register vacant/abandoned property under the provisions of this Article shall further be deemed to consent to receive, by posting on the building, in plain view, and by service of notice at the last known address of the owner of the property on record within the Township by regular and certified mail, any and all notices of code violations and all process in an administrative proceeding brought to enforce code provisions concerning the building.

**§97-5 Fee schedule.**

The initial registration fee for each building shall be five-hundred (\$500.00) dollars. The fee for the first renewal is one thousand five hundred (\$1,500.00) dollars, and the fee for the second renewal is three thousand (\$3,000.00) dollars. The fee for any subsequent renewal beyond the second renewal is five thousand (\$5,000.00) dollars.

**§97-6. Requirements of owners of vacant/abandoned properties.**

The owner of any building that has become vacant/abandoned property, and any person maintaining or operating or collecting rent for any such building that has become vacant shall, within thirty (30) days thereof:

- (1) Enclose and secure the building against unauthorized entry as provided in the applicable provisions of the Township Code, or as set forth in the rules and regulations supplementing those codes; and
- (2) Post a sign affixed to the building indicating the name, address and telephone number of the owner, the owner's authorized agent for the purpose of service of process, and the person responsible for day-to-day supervision and management of the building, if such person is different from the owner holding title or authorized agent. The sign shall be of a size and placed in such a location so as to be legible from the nearest public street or sidewalk, whichever is nearer, but shall be no smaller than eight (8) inches by ten (10) inches; and
- (3) Secure the building from unauthorized entry and maintain the sign until the building is again legally occupied or demolished or until repair or rehabilitation of the building is complete; and
- (4) Ensure that the exterior grounds of the structure, including yards, fences, sidewalks, walkways, right-of-ways, alleys, retaining walls, attached or unattached accessory structures and driveways, are well-maintained and free from trash, debris, loose litter, and gross and weed growth; and
- (5) Continue to maintain the structure in a secure and closed condition, keep the grounds in a clean and well-maintained condition, and ensure that the sign is visible and intact until the building is again occupied, demolished, or until repair and/or rehabilitation of the building is complete.

(6) **§97-7 Violations.**

Any person who violates any provision of this Article or the rules and regulations issued hereunder shall be fined not less than \$100.00 and not more than \$1,000.00 for each offense. Every day that a violation continues shall constitute a separate and distinct offense. Fines assessed under this chapter shall be recoverable from the owner and shall be a lien on the property.

For purposes of this section, failure to file a registration statement within 30 calendar days after a building becomes vacant property or within 30 calendar days after assuming ownership of a vacant property, whichever is later, or within 10 calendar days of receipt of notice by the municipality, and failure to provide correct information on the registration statement, or failure to comply with the provisions of such provisions contained herein shall be deemed to be violations of this ordinance.

**Section 2.**

**BE IT FURTHER ORDAINED** by Mayor and Committee that should any section, paragraph, sentence, clause, or phase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this ordinance shall not be affected thereby and shall

remain in full force and effect, and to that end the provisions of this ordinance are hereby declared to be severable.

**Section 3.**

**BE IT FURTHER ORDAINED** by Mayor and Committee that all ordinances or parts of ordinances inconsistent with this amending ordinance are hereby repealed to the extent of their inconsistencies only.

**Section 4.**

**BE IT FURTHER ORDAINED** by Mayor and Committee that this ordinance shall take effect immediately after final passage and publication, as required by law.

PUBLIC NOTICE

PLEASE TAKE NOTICE that the foregoing Ordinance was introduced and passed on first reading on the 2<sup>nd</sup> day of November, 2015, at a meeting of the Township Committee of the Township of Franklin and will be taken up for final consideration and passage at a regularly scheduled meeting of the Mayor and Township Committee of the Township of Franklin to be held on the 7<sup>th</sup> day of December, 2015 at the Municipal Building, 2093 Route 57, Broadway, New Jersey.

On motion by Committeeperson Bonnie Butler and seconded by Committeeperson Mike Toretta the aforementioned **Ordinance 2015-9** be adopted at first reading. Final reading and adoption to take place on **December 7, 2015 at 7:00 p.m.**

<b>Roll Call Vote</b>	<b>Yes</b>	<b>No</b>	<b>Absent/Abstain</b>	
Jacob Pence	X			
Joe Flynn			X	
Jeff DeAngelis			X	
Michael Toretta	X			
Bonnie Butler, Mayor	X	(3) Yes	(0) No	(2) Absent Motion carried

**First Reading/Adoption – Resolution 2015-77**

**Township of Franklin**  
Municipal Building  
2093 Route 57, PO Box 547  
Broadway, NJ 08808-0547

**Resolution 2015-77**

**RESOLUTION GRANTING APPROVAL OF THE  
PURCHASE OF A DEVELOPMENT EASEMENT ON  
THE SKIP SMITH #2 FARM BLOCK 18 LOT 26  
IN FRANKLIN TOWNSHIP CONSISTING OF  
APPROXIMATELY 22.66 (3%+) ACRES**

**WHEREAS**, the Township Committee of Franklin has determined that the property known as the Skip Smith #2 Farm, owned by Charles Smith, Jr., Scott Smith, Susan Powell and Shelly Beitsch located on Block 18 Lot 26 in Franklin Township, consisting of approximately 22.66 (3%+) acres, has available for purchase a development easement in accordance with the requirements of the farmland preservation program; and

**WHEREAS**, the pressures from development have significantly heightened the degree of imminence of change of land use from productive agriculture to nonagricultural uses; and

**WHEREAS**, pursuant to N.J.A.C. 2:76-17.9A(b) on August 7, 2014 it was determined by the State Agriculture Development Committee (SADC) that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17A.9(a); and

**WHEREAS**, pursuant to N.J.A.C. 2:76-17A.11, on January 22, 2015 the State Agricultural Development Committee has certified a development easement value of \$5,500 per acre based on zoning and environmental regulations in place as of 1/1/04 and \$1,000 per acre based on zoning and environmental regulations in place as of the current valuation date of June 28, 2014 with an estimated total value of \$124,630; and

**WHEREAS**, the property is part of the approved Warren County Planning Incentive Grant Application and is funded by the Warren County Open Space, Farmland, Recreation and Historic Preservation Trust Fund; and

**WHEREAS**, the tract would encourage the survivability of production agriculture in Franklin Township, and said tract falls within a predetermined County Agricultural Development Area and is in the Southeast Project Area and property is located in the Highlands Preservation Area; and

**WHEREAS**, the purchase of the development easement on the property will encourage the survivability of the productive agriculture in Franklin Township and Warren County; and

**WHEREAS**, preliminary approval for the purchase of development rights on this farm has been granted by the State Agricultural Development Committee; and

**WHEREAS**, the SADC is expected to grant final approval for funding amount on said application at its January 28, 2016 meeting; and

**WHEREAS**, pursuant to N.J.A.C. 2:76-17.13 on November 19, 2015, the Warren County Agriculture Development Board is expected to approve the funding for the development easement with estimated cost share with no cost share contribution by Franklin Township as follows: SADC \$3,625 per acre, Warren County \$1,875 per acre.

**WHEREAS**, the Township Committee of Franklin's approval includes the following conditions that are expected to be approved by the WCADB at its November 19, 2015 meeting:

- a. No existing buildings on premises
- b. No existing agriculture labor housing on premises

- c. One non-severable exception of one acre for future single family residence restricted to one residential unit
- d. No Residual Dwelling Site Opportunities (RDSO's)
- e. No preexisting non-agricultural uses on premises
- f. Access easements to be determined by title search
- g. No proposed trails
- h. SADC funding from Base grant, competitive round or both
- i. Warren County is requesting SADC funding for a 3% buffer on the final surveyed acreage

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of Franklin as follows:

The Township Committee of Franklin hereby grants permission for the purchase of the development easement by the County of Warren under the Farmland Preservation Act as set forth above and will not be participating in cost share.

On a motion made by Jacob Pence and seconded by Mike Toretta the following resolution was adopted by the Township Committee of Franklin on November 2, 2015.

<b>Roll Call Vote</b>	<b>Yes</b>	<b>No</b>	<b>Absent/Abstained</b>
Jacob Pence	X		
Jeffrey DeAngelis			X
Joe Flynn			X
Michael Toretta	X		
Mayor Bonnie Butler			X

(2) Yes (0) No (2) Absent (1) Abstained  
Motion Carried

Dated: November 2, 2015

**OLD BUSINESS:**

**PUBLIC HEARING AND CONSIDERATION OF:**

**Final Reading and Adoption of Bond Ordinance 2015-8**

**ORDINANCE 2015-8**

**BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$998,000 FOR VARIOUS CAPITAL IMPROVEMENTS FOR AND BY THE TOWNSHIP OF FRANKLIN IN THE COUNTY OF WARREN, NEW JERSEY AND, AUTHORIZING THE ISSUANCE OF \$948,100 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE APPROPRIATION.**

On motion by Jacob Pence and seconded by Mike Toretta to open the Public Hearing.

No Public Comments

On motion by Mike Toretta and seconded by Jacob Pence to close the Public Hearing

On motion by Committeeperson Jacob Pence and seconded by Committeeperson Mike Toretta the aforementioned Bond Ordinance be adopted at final reading.

<b>Roll Call Vote</b>	<b>Yes</b>	<b>No</b>	<b>Absent/Abstain</b>	
Jacob Pence	X			
Joe Flynn			X	
Jeff DeAngelis			X	
Michael Toretta	X			
Bonnie Butler, Mayor	X	(3) Yes (0) No	(2) Absent	Motion carried

## **REPORTS/UPDATES:**

### **Attorney Report – Report on File**

Attorney Benbrook reviewed his report submitted; Beidleman Road property has closed. Affordable Housing Notice of Motion and proposed Form of Order mailed out today seeking an extension. Comcast Franchise Renewal has been approved and the \$20,000 contribution is being processed. Attorney Benbrook will look into the township’s fire hydrant bill and research billings.

### **Engineer Report – Report Below**

Engineer Finelli reviewed his report with the committee touching base on the Third Street Flood Control Project meeting was cancelled and rescheduled for December 17th, Mocada Developer’s Agreement something should be in front of the committee soon. Mr. Finelli will attend a Project Meeting in Trenton, with the Historic Sites Council. 2016 Grant for Maple Avenue has been submitted. Committeeman Toretta questioned if the “speed bump” on Good Springs Road has been repaired. Engineer Finelli informed that there are two outstanding issues with this road, the “speed bump” and the guiderail. Mr. Finelli spoke with Ficor as to the guiderail, they should be out this week as they were waiting on materials. Mr. Finelli will reach out to Tilcon as to the “speed bump” and Foreman Read will put up signs informing motorists of this bump.

#### **1. 2014 NJDOT Trust Fund Program: Good Springs Road, Section III (No change since last month’s Report.)**

- I am pleased to report that the Township was successful in receiving another grant through this program. Notice was recently received that the Township was awarded a grant in the amount of \$115,000 for the final section of Good Springs Road.
- The project was discussed at the July 7, 2014 Committee Meeting where the Committee authorized our office to proceed with the development of plans and specs with the hope of having the project constructed in 2014. We have completed all of the Field Survey Work, developed the Project Base Maps, and have completed the Construction Plans and Project Bid Specifications. All of the required information (Plans, Specs., Engineer's Estimate, Engineer's Certification, etc.) has been forwarded to the NJDOT.
- As you are aware, this Project will be constructed via the Morris County Co-Op. Schifano Paving is the Paving Contractor through the Morris County Co-Op in 2014. We have called them and have asked to be placed on their schedule. A "walk through" was conducted with Schifano on Wednesday, October 8 , 2014. At that time, Schifano indicated that their schedule was such that the paving would occur during the last week of October (at the earliest), or either the first or second week of November (at the latest).
- Schifano's paving schedule and Driveway Treatment Extras were discussed at some length at the November 3, 2014 TC Meeting. Based upon both the time of year and the potential for a new Co-Op Paving Contractor in 2015, the Township Committee decided to hold off on proceeding with the Project in 2014. I notified Schifano and the DOT of same and they both understood and accepted the Township's decision. As per our Grant Agreement with the NJDOT, we have until December, 2015 to award a Contract on this Project. As per my prior e-mail to the Township Committee, dated January 23, 2015, funding for this Project is available

and has been encumbered by the DOT for this Project, so there are no issues with the Project moving forward in 2015.

- Our Office has been coordinating with the NJDOT, and we have received confirmation that the Project is construction ready. We have been coordinating with Tilcon (the 2015 Co-Op Paving Contractor) to establish a schedule for the Project. As of the date of this Report, we have not received a firm commitment date for the start of construction, but, we believe that construction will commence very soon.
- Tilcon has advised our Office that they will not be performing any of the milling of the Driveway transitions or Roadway connections. Therefore, based upon the fact that some of this work is required and certainly desirable, we solicited price quotes from three local and smaller paving companies. We received quotes from two contractors, with the low quote from C.H. Paving in the amount of \$11,500. At the June 1, 2015 Committee Meeting, the Committee awarded a Contract to C.H. Paving for the milling and driveway transition work at the Project. C.H. Paving's work commenced on June 15, 2015. After only a few hours of work on the Project, Charlie Hicks (C.H. Paving) met with Doug Leisy, our Inspector, and a discussion ensued relative to the work being completed by C.H. Paving that Doug was not satisfied with, and did not meet the Project Specification relative to various parameters. C.H. Paving opted to "pull off the job" at that point. Very little work had been accomplished by the time C.H. Paving left the Project site. At that juncture, we reached out for a few other Contractors and got additional quotes for the work in question. K&A Paving submitted a revised quote for \$13,350. Chris Nemeth from All Image Inc. submitted a quote for \$11,200. After speaking with Township Attorney Benbrook, and based upon all of the factors involved with the Project and the work in question, I was advised that I could proceed in allowing All Image Inc. to commence work on the Project in advance of the July Township Committee Meeting where a formal Award was made. All Image Inc. commenced work on Monday, June 29<sup>th</sup>, and the work was completed on July 6<sup>th</sup>, 2015. Tilcon then proceeded with the Application of the bituminous overlay on July 14<sup>th</sup>, 2015. Their work was both started and completed on July 14<sup>th</sup>, 2015.
- We solicited a proposal for the pavement/core testing which was previously executed by the Twp. The testing results have been received and all results have met the NJDOT requirements.
- The centerline striping work has also been completed by Denville Line Painting. At this juncture, the only remaining improvement to be installed/constructed is the guiderail. Proposals and costs for the guiderail work were discussed/reviewed at the Aug. 3, 2015 TC meeting and the Guiderail work was awarded to Ficor, Inc. They are slated to install the guiderail in the very near future, but have come across some material supply shortfalls, which has held up the completion of the guiderail work. Also, the "repair" work at the Mountain View Rd. intersection is going to be done by All Image (paid for by Tilcon) and that work should also be done very soon.
- We will continue to keep the Township apprised of the status of the Project, and its anticipated impending completion.

## 2. 2015 NJDOT Trust Fund Grant Program Applications

- Our Office has received a copy of a letter from the NJDOT regarding the FY 2015 State Aid Programs. One of the Programs again being offered is the traditional "Municipal Aid Program". This is the Program which the Township has had much success and has utilized for the paving of numerous Municipal Roadways over the past number of years. This year's Application(s) are due on or before October 14, 2014, and must be submitted via SAGE. Last year, the Township submitted two Applications: one for Good Springs Road, Section III, and one for Maple Avenue.
- At the September 8, 2014 Township Committee Meeting, the Committee authorized our Office to prepare a Grant Application for Maple Avenue through the 2015 Trust Fund Program. We had prepared a Resolution (#2014-61) which was forwarded to Denise and was approved at the October 6, 2014 Committee Meeting.

- The Application for Maple Avenue was submitted to the DOT on October 9, 2014, in advance of the October 14, 2014 deadline.
- GOOD NEWS!!!! As per a recent notification Letter from the NJDOT, dated 4/10/15, the Township has been awarded a Grant for Phase 1 of Maple Avenue in the amount of \$95,000. The Township Committee authorized our Office to proceed with the Survey and Design Phase of the Project at the June 1, 2015 TC Meeting. We have completed the majority of the Survey work, and have developed the base mapping for the Project and have commenced with the initial phases of the Project Design. This Project and the budget shortfall (versus the Grant amount of \$95,000) was discussed at length at the July 6, 2015 TC Meeting. Various options were presented and evaluated. The Township Committee decided that the best decision, at this time, and most economically viable alternative was to reduce the length of the Project from approximately 2/3 of a mile to approximately 1/2 of a mile (it is important to note that the entire length of Maple Avenue is approximately 1-1/3 miles; therefore, the reason for trying to “improve” 2/3 of a mile, which would be approximately half of the length of the entire roadway). In order to do so, a scope modification must be submitted to the NJDOT and approved.
- Our office recently received an approval on the Scope Modification from the NJDOT. As per the discussion from the 9/14/15 TC Meeting, there was some “debate” on whether or not to attempt to have the Project constructed in 2015, or, wait until 2016, and evaluate the ability to have the DPW do some of the work, so as to allow the balance of work to be constructed through the Co-Op, and potentially have less of a shortfall vs. the Grant Amount (\$95,000.). Committeeman Toretta and Mayor Butler have previously inspected the road to examine the existing conditions, and evaluate the potential for the DPW to do some of the Roadway widening and drainage work. Based upon that inspection and discussions with both the DPW and our Office, it was determined that the Project would not go “out to bid” in 2015, but we would wait until the spring of 2016 to commence with the work in question, with the hope that the DPW will have a greater role in some of the construction/improvement aspects of the Project. It is important to note that the Township’s timeline and schedule for this Project, per the Grant Agreement with the DOT, does not require a Contract Award until December, 2016. Therefore, we still have ample time to move forward with this Project.
- I will continue to update the Township Committee regarding the status of the Project and the timeline for the construction of the proposed improvements.

### 3. Township Wastewater Management Plan(WMP) (No change since last month's Report.)

We have been advised in a June 16, 2014 email from NJDEP that there are three (3) options with regard to the most recent grant allotment received for \$19,000 via correspondence from the NJDEP dated, 2/12/14.

- a. Don't accept the grant and don't do any additional work and see what comes out of the new Waster Management Planning Act regulations.
  - b. Submit a new scope of work which includes a request for funding for septic density zoning.
  - c. Complete septic density zoning without funding from the State.
- This matter was discussed at the July 7, 2014 TC Meeting, and the Committee decided to choose Option "a" as outlined above. Based upon that decision, our office, via letter dated July 15, 2014 notified the NJDEP of the Township's decision. A copy of this letter was provided to the Township for their information and records.

### 4. Third St. Drainage/Flood Control Grant Project

- This project was discussed at the July 7, 2014 TC Meeting, specific to the Township rendering a decision on moving forward with the Project or not based primarily upon the DEP's site inspection from last year and the

various regulatory and permitting issues they have raised. It was agreed that Committeeman Jacob Pence, Mayor Butler and our office would meet "off-line" to review the Project in greater detail. The purpose was to evaluate the best path forward for the Township as it relates to this Grant, the various regulatory hurdles we are facing, and the need to improve the drainage conditions in this area. This meeting occurred on July 11, 2014. Mayor Butler updated the Committee in more detail regarding this project at the August 4, 2014 Committee Meeting. After the discussion, it was determined that Mayor Butler would continue to follow up on this Project with State Level Elected Officials and/or the Attorney General's Office. I am sure that Mayor Butler will provide an update at the appropriate time.

- I received a call from Mayor Butler, who advised me that Cindy Randazzo, NJDEP, had recently stopped in the Municipal Building while she was "making her rounds" to various Municipalities in the State. Mayor Butler happened to be at the Municipal Building, and it is my understanding that Mayor Butler talked to Ms. Randazzo about this Project, and the Permitting obstacles and associated issues.
- The project deadline was previously extended to 8-31-2015. The last voucher submitted for reimbursement was for services provided through October 31, 2013. The Hunter Research bill and their fees were included in that reimbursement voucher. We have billed \$1,135.64 since then (over the past 15+ months). We could make an application for another reimbursement, but it would only amount to approx. \$850.
- Our Office forwarded a letter dated May 29, 2015, to Mr. John Moyle, DEP, requesting an extension to the Grant Agreement. A copy of this letter was sent to all Township Committee Members. Mayor Butler previously requested that we send this letter to the DEP for the purpose of hopefully maintaining the Grant Funding for this Project until such time that the Project is permanently "shelved".
- There has been much discussion recently regarding this project (and the requested extension) between the NJDEP, our office and Mayor Butler. In conclusion and summary, it has been agreed that a meeting would be held to discuss the viability of the project between the Township and the NJDEP. This meeting was held on Wed., Sept. 30, 2015 @ 10:30 AM at the Township Municipal building. In attendance were: Mayor Butler, myself, Donna Becker, P.E. (my office), and 4 different representatives from the DEP, including: Historic Preservation Office, Dam Safety, and Land Use. Subsequent to the completion of the Meeting at the Municipal Building, I took everyone out to the site, and gave a "tour" to the DEP reps that had never seen the areas in question.
- I am certain that Mayor Butler and myself will provide the full Committee with a summary and overview of what transpired and what was discussed at the Meeting to allow the full Committee to make a determination on whether or not we will continue to proceed with Project or not. There did appear to be a sincere intent from the DEP reps to try to facilitate the construction of the Project, or a similar Project that would achieve the same goal of Flood Control. The next critical item on the timeline for this Project is a Meeting with the Historic Sites Council in Trenton on October 22, 2015, where I previously authorized by the Committee to attend on behalf of the Township. The purpose of this Meeting was for the Township to give the Council an overview of the Project and its impacts on the Morris Canal.
- Our Office has previously forwarded, via e-mail on 10/26/15, a copy of the Power Point we had developed for our Presentation before the Historic Sites Council. As per our 10/26 e-mail, we explained that the Meeting got cancelled the morning of 10/22/15 while we were en route to Trenton. At this juncture, we are slated to attend the next Meeting, which is scheduled for December 17, 2015.

##### 5. Hazard Mitigation Plan (No change since last month's report)

- I attended a Meeting on behalf of the Township for this Project on 1/22/15, which was held at the Warren County Technical School. Sonny Read was also in attendance on behalf of the Township. There was much information disseminated through the County's Consultant on this Project, Tetra Tech. Assuming the Township wishes to be a part of this Project (which I strongly encourage), there is quite a bit of work to do in order to complete the

required worksheets that are part of the first phase of work that the Township must supply to the County and Tetra Tech.

- A Meeting was held at the Municipal Building between Sonny Read (OEM), Mayor Butler, Denise Becton, Ron Read, and myself on February 13th, 2015. The various required Worksheets (six in total) were reviewed, and a number of them were completed at the Meeting. Sonny Read is the Point of Contract for the Township on this Project, and has been coordinating with the other various involved parties, including our Office, relative to the Worksheets which we are responsible to complete. Our Office recently sent two completed Worksheets to Sonny Read for his use and for submission to Tetra Tech in conjunction with the Township's HMP Plan and submittal requirements at this time.
- Our Office attended a follow-up Meeting on March 20<sup>th</sup>, during which Tetra Tech reviewed the status of the Municipalities HMP worksheets submitted to date. Franklin Township has performed well in developing and submitting all of the required Worksheets, both from a Completeness standpoint, and on a timely basis. It is my understanding that Sonny Read has received the next two Worksheets (#7 & #8). I am sure that Sonny R. will update the Township Committee at the next TC Meeting.
- We received a call from Sonny Read, who requested that our Office assist in the preparation and completion of Worksheet #7. We then moved ahead and completed said Worksheet. Worksheet #7 was submitted to both Tetra Tech and Sonny Read on July 2, 2015.

#### 6. Pohatcong Valley Groundwater Contamination (OU2) Potable Water Main Extension Project

- As prompted by Mayor Butler, our Office has been in recent contact with Theresa Hwilka, EPA, regarding the Township applying for and securing reimbursement for the Township's expenses/fees associated with this Project to date. Although there has not been much work conducted recently, this Project dates back to 2012, and the Township has not applied, nor secured any reimbursement on this Project to date. Dawson Bloom of our Office has made contact with Ms. Hwilka, who has provided both a Form and instructions relative to the Township providing the EPA with the required supporting information to apply for reimbursement. I would recommend that the Township move forward towards developing the information necessary to make the required submission to the EPA to secure the Township's appropriate reimbursement for this Project. Authorization for this work was provided at the March 2, 2015 TC meeting.
- Our Office recently compiled all the information, including the EPA Task Breakdown Spreadsheet, and supporting Vouchers for submittal to the EPA for Reimbursement. We submitted this information to Dawn Stanchina for her use in submitting the Reimbursement request to the EPA. The amount of funds expended totaled \$9,332.01. I spoke with Mayor Butler at the LUB meeting on 4/1/15 and she indicated that the Twp. had just received an e-mail from Theresa Hwilka, EPA, which indicated that their review of our submission was both complete and satisfactory and that the Twp. would be receiving their reimbursement check ASAP.
- As per a prior e-mail from Mayor Butler, the Township has received their initial Reimbursement check from the EPA.
- The EPA was scheduled to conduct an updated Public Information Meeting to interested/impacted Township Residents, which was scheduled for 10/26/15 at the Municipal Building. I am unaware of the turnout for the Meeting.

#### 7. NJDEP 2015 Recreation Trails Grant Application (No change since last month's Report.)

- As authorized at the April 6, 2015 TC Meeting, our Office proceeded in developing a Grant Application through this Program. Gene Weber, PE, from our Office, developed the Grant Application and required supporting documents, which were submitted electronically to the NJDEP on April 23, in advance of the April 30, 2015 deadline. We have received confirmation from the NJDEP that our Application was received, and was being reviewed for "Completeness". As of the date of this Report, no further comments have been received from the DEP regarding our Application submission.

- Copies of the Application Forms, Layout Plan, Cost Estimates, and other supporting Application documents have been forwarded to the Township for your information and records. The Township should be advised that this Grant Program caps the Grant Award amount at \$24,000. This would still create a funding shortfall for the Project, should we be fortunate enough to receive the Grant.
- On July 1, 2015, Gene Weber of our Office was contacted by Brandee Chapman, State Trails Coordinator, NJDEP, regarding the presence of threatened and endangered (T&E) species on the Property. She indicated that the DEP could not continue evaluating our Application until this matter was addressed. Gene Weber spoke with Ms. Chapman, and an Amended Application Form addressing the T&E and critical Wildlife Habitat Areas adjacent to the Pohatcong Creek was forwarded to Ms. Chapman on July 1, 2015. We hope that the amended Application satisfactorily addresses their concerns.
- Our Office is unaware of any timeline associated with the Award announcements through this Program.

#### 8. 2016 NJDOT Trust Fund Grant Program

- As previously determined and authorized by the Township Committee, our Office developed one (1) Application for the 2016 Program. That Application was for the second section of Maple Avenue. The required Application and supporting information was submitted, via SAGE, in advance of the October 20, 2015 deadline. A hard copy of the Grant Application was previously forwarded to Denise Becton, Clerk, for the Township's information and records. Resolution #2015-70, adopted by the Township Committee at the October 2, 2015 Committee Meeting, was forwarded the NJDOT Office, as required. I am unaware of any timeline or schedule for the announcement of the Grant recipients through the 2016 Program. I will keep the Committee apprised as soon as I know anything more definitive.

#### **Roger Bulava – Recycling**

Mr. Bulava informed the committee that the Freeholders approved the expansion of the Oxford Landfill and matter is now in Trenton for final approval. The tire recycling has cut down cases of West Nile Virus, due to the breeding of mosquitos in standing water in tires just lying around. Mr. Bulava will follow up on the new DPW sign.

#### **Jim Onembo – Code Enforcement/Zoning:**

Mr. Onembo informed that construction is relatively slow.

#### **DPW – Ron Read, Foreman** (report submitted on file)

Mr. Read has attempted to speak with someone at a Co-Op located in Texas and has received no call back to date. Attorney Benbrook will assist Mr. Read with a contact person as to someone that worked with Pohatcong Township with their new DPW vehicle.

#### **Open Space Report: Beth Barry, Chairwoman**

Ms. Barry informed that there will be a vacancy on the Open Space, Recreational and Environmental Commission and would like to send something home through the elementary school, looking to find anyone interested in being a member. Also, Ms. Barry and Aaron Cela of the Land Conservancy sat down with our CFO in reference to the expense report and how to read and understand it.

#### **Report/Update:**

New Jersey State Police – Trooper McKenna, present at this meeting, numerous deer accidents, all to be vigilant with driving at this time of the year.

**Franklin Township Youth Association: Jim Schlessinger, President**

Fall sports are wrapping up and Basketball signups are now open. Thank you to Ronnie and the DPW for an awesome job on the fields.

**Rescue Squad – Chief Karen Chiu**

Chief Chiu informed the committee that the squad is chugging along and doing our thing. Engineer Finelli has been working with member Ernie as to the installation of their generator.

**Fire – Sonny Read:**

Chief Read informed the committee that they have responded to numerous calls and they are holding a Roast Beef Dinner fundraiser on November 7<sup>th</sup>.

**OEM-Sonny Read:**

Mr. Read has met with the electrician installing the generators and will be working with him as to the installation of the generators for the municipal building and garage.

**TOWNSHIP COMMITTEE REPORTS:**

**Jeff DeAngelis**

Absent

**Jacob Pence**

Nothing further to report

**Michael Toretta**

Nothing further to report.

**Joe Flynn**

Absent

**Bonnie Butler, Mayor**

Mayor Butler received a call from a resident in reference to the property on Stewartville Road that was purchased to build a church. Now that the church is not being built perhaps a road could be put in on this property to proceed to Rt. 57 that may help to alleviate the dangerous intersection of Stewartville Road and Rt. 57. This would be a costly process, but the possibility will be explored. She also mentioned the letter, that the State Registrar sent, that commended the local registrars for their rapid implementation of the new digital systems for vital statistics.

**OPEN PUBLIC SESSION**

Karen Chiu - Advised of the Annual Christmas Tree Lighting here at the municipal building. Scheduled for December 4<sup>th</sup> at 6 pm. Open to the community to share in this event and inviting the fire department to put the lights on the tree and Mayor Butler to speak at this event. Still looking for a Santa!

Maryann Gruver – What is going on with Rossini’s that has been abandoned for months. There is a bus stop off of Rt. 57 in this area and you can actually smell the spoiled food, etc. Rodents are still running in and out of the store. Mayor Butler informed that the Warren County Health Department has been keeping us informed as to their status. Mr. Onembo informed that the propane tanks and collection bin still haven’t been removed even after several attempts to notify. Attorney Benbrook this is a Nuisance/Health issue and the township would need an order to even go inside. Mayor Butler will follow up with the Warren County Health Department as to this matter.

Beth Barry – As a resident looking to have the township place a sign at the top of Butler Road advising trucks not to make a “left” hand turn. Several trucks have been stuck by her house and had to assist them either back down Mountain View Road or had to wait for further assistance. As an MWA member, the River Management Council is still looking for a Franklin Township Representative, Ms. Barry will circulate this through the school to see if anyone would be interested.

Jim Onembo – Mr. Onembo, noticing Jim Hunter in the audience this evening, informed that after several attempts to work with him to clean up and remove all unlicensed/unregistered vehicles from his Rt. 57 property, Mr. Hunter has been unresponsive. Mr. Onembo advised the township committee that he will proceed with summons accordingly.

**MOTION FOR PAYMENT OF BILL LIST:**

On motion by Jacob Pence and seconded by Mike Toretta, and hearing no objection, to pay bills as per bill lists submitted by the Chief Financial Officer.

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

**MOTION FOR ADJOURNMENT:**

On motion by Mike Toretta and seconded by Jacob Pence, hearing no objection, meeting stands adjourned at 8:16 pm.

<b>Roll Call:</b>	<b>Yes</b>	<b>No</b>	<b>Absent</b>	<b>Abstained</b>
Michael Toretta	X			
Joe Flynn			X	
Jacob Pence	X			
Jeff DeAngelis			X	
Mayor, Bonnie Butler	X	(3) Yes (0) No	(2) Absent	Motion carried

Respectfully submitted,

Denise L. Becton  
Municipal Clerk