

**REGULAR MEETING**

The Franklin Township Committee held its regular monthly meeting at 7:00 pm on Monday, July 11, 2016. 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:** Jeff DeAngelis, Jacob Pence, Mike Toretta, Mayor Bonnie Butler.

**ABSENT:** Joe Flynn

Present were: Margaret Housman, Office Assistant, Jim Onembo, Zoning/Code Enforcement, Ron Read, DPW Foreman, Mike Finelli, Municipal Engineer, Attorney Kevin Benbrook (joined the meeting at 7:50 pm)

**CONSENT AGENDA:**

**Minutes:**

- a. Regular Meeting Minutes of June 6, 2016
- b. Executive Session Meeting Minutes of June 6, 2016

**Social Affair Permit:**

- a. Musconetcong Watershed Association, October 8, 2016, Rain Date October 9, 2016

**Bond Anticipation Note:**

- a. \$948,100 General Obligation Bond Anticipation Notes 2016B, dated July 8, 2016, and maturing February 10, 2017. The Certificate of Determination and Award is submitted to the Mayor and Council following the delivery of the Note to meet the reporting requirements of the Local Bond Law.

On motion by Jacob Pence and seconded by Jeff DeAngelis items on the Consent Agenda were approved.

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

**NEW BUSINESS:**

**NJSP:**

No trooper present at this meeting.

**Updates/Discussions/Approvals:**

**OLD BUSINESS:**

**ROSI**

A brief discussion ensued as to the ROSI map after review. Engineer Finelli may have to review the Smith Farm as to a Lot Line Adjustment.

On motion by Committeeperson Jeff DeAngelis and seconded by Committeeperson Jacob Pence to approve the ROSI as sent by Aaron Cela.

<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

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

**Air Conditioning Tune Up – Proposal of Recommendations**

The committee discussed quotes previously received from Service Experts. Unit replacement \$6,506.00, Unit Repair \$3,312.00. Committee consensus is to replace the unit.

On motion by Committeeperson Mike Toretta and seconded by Committeeperson Bonnie Butler to approve the quote in the amount of \$6,506.00.

<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		

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

**Electronic Credit Card Payments for Taxes**

A discussion ensued as to utilizing Municipay for credit card payments of taxes. Consensus of the committee is to go forward with this company at a cost of \$85 for a Credit Card Reader, one time cost, box guaranteed for one year.

On motion by Committeeperson Jeff DeAngelis and seconded by Committeeperson Jacob Pence to approve Municipay.

<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		

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

**Surveillance Cameras – Municipal Buildings**

Committeeperson DeAngelis is still looking into surveillance for the building and will work with the municipal clerk, bringing back additional information for August Meeting.

## **REPORTS/UPDATES:**

### **Engineer Report – Report on File (submitted below)**

Mr. Finelli briefed the committee as to his report submitted below.

1. 2014 NJDOT Trust Fund Program: Good Springs Road, Section III (No change since last month's Report.)
  - Please refer to the April 4, 2016 report for additional historical information on this project.
  - At this juncture, our office continues to gather all necessary supporting documentation and required NJDOT “paperwork” in an effort to submit for final approval from the NJDOT and allow the Township to close out the project and secure the final portion of grant monies due the Township. Until the payments to Ficor and All Image are made, we cannot file our final reimbursement documents with the NJDOT. Confirmation from Dawn S., CFO, relative to the final payments to both Ficor and All Image has been received.
  - Our office has recently contacted the NJDOT to secure confirmation on their field approval of the project. We requested their inspection over a month ago. Unfortunately they have not performed their inspection, but we were told it would occur within the next week or two. This approval from the DOT is required prior to the submittal of our final closeout documentation. We recently received confirmation from the NJDOT that a final inspection was completed and the project received their final approval.
  - We have recently circulated the final NJDOT forms (CFO Certification, Change Orders, and Final Payment Voucher) to the various Township Officials for their review and sign off. Once all of these forms are assembled, we will submit same to the NJDOT and the Township will be in a position to secure the final portion of the Grant Award for this project, which equates to \$37,208.07. It is important to note that the Township was also able to include all of our inspection fees (\$5,180.64) and the pavement testing fees (\$1,775.00) in their final payment voucher to the NJDOT. This total amount of “additional” project reimbursement equates to \$6,955.64.

### 2. Maple Avenue: 2015 NJDOT Trust Fund Grant Project

- 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 previously 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.
- Our office has recently spoken with the DPW regarding their work along the roadway and the coordination of same with our grant project. Donna Becker of our office recently met with the DPW in the field to review and discuss both the roadway widening and project limits. Our office is presently moving forward with the modified design. As previously discussed, we will be utilizing the Co-Op to do the majority of work for this roadway improvement project. We may be required to secure a design exception from the NJDOT for the western most end of the road (adjacent to the MWA office) as we may not be able to maintain a roadway width of 22 ft. Our request for this design exception is included in our recent submittal to the NJDOT for their approval of the project. Once approved by the NJDOT, we will be in a position to proceed forward with the construction phase of the project, which we will be utilizing the Morris County Co-Op.
- Our office recently submitted various and numerous design related documents to the NJDOT for their review and approval. Copies of all of these various documents and information were previously supplied to the Township for your records. The construction drawings have received the DOT’s approval (received 6/2/16) and a second scope modification approval has also been received.
- I am sure that most of you are aware of the recent Executive Order (No. 210) issued by Governor Christie to “shutdown” all projects associated with the TTFA (Transportation Trust Fund Authority). The “shutdown” was to commence at midnight on Friday, July 8, 2016. The NJDOT Local Aid Program, by which this project is funded, is financed through the TTFA. Therefore, until this Executive Order is lifted, this project will not be able to proceed to construction. Since our request through TILCON, via the Morris County Co-Op, did not request to schedule this work until mid-August, I remain hopeful that the project will still be able to proceed on schedule.
- 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.
  - Mayor Butler and I provided the Committee with a summary and overview of what transpired and what was discussed at the 9/30/15 Meeting. 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 was 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. We (Donna Becker and myself) attended the re-scheduled Meeting of the Historic Sites Council, on December 17, 2015. I will provide the Township Committee with a detailed update of our Presentation to the Historic Sites Council at the February 1, 2016 Meeting.
- At the February 1, 2016 TC meeting, the Township agreed to consider still moving forward with the project dependent upon the amount of work still outstanding. Mayor Butler was going to further discuss this project with Cindy Randazzo after meeting with Donna Becker of our office to update her on exactly “where we are” with the project at this time.
- Mayor Butler, Donna Becker and I are scheduled to meet on Monday, July 11, 2016, to review the project once again and make a determination on whether or not we should continue to attempt to move this project forward. We hope to be in a position to make a recommendation to the full Township Committee at the July 11, 2016 Committee meeting.

#### 5. Hazard Mitigation Plan

- Please refer to the April 4, 2016 report for information on this project.

#### 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.
- Our office recently reached out to the EPA to get an update on the status of this project as it has been “quiet” for some time now. The response we received on May 5, 2016 was as follows:

“We are currently getting ready to conduct some additional remedial design fieldwork in the OU2 area this June. Some fieldwork relates to the State Historic Preservation Office requirements including architectural survey and archaeological investigations. We will also be conducting wetlands surveys, land surveys, soil borings, and constructability assessments at various OU2 properties to further design and meet other permitting requirements. We are currently projecting to have our 95% Remedial design completed on or about January 2017. Once the design is completed, it will be turned over to the responsible party to do the construction. Feel free to give them my direct number if they have additional questions”.

- On June 14, 2016, our office and the Township received an email update from Theresa Hwilka, EPA, regarding the project which provided an update to the project schedule. In summary, they're indicating that the 95% Design Report should be completed around December 30, 2016 and the 100% Design Report by January 31, 2017. Therefore, assuming no budgetary constraints, the project could potentially go to construction sometime in 2017.

7. 2017 DPW Dump Truck With Plow And Salt Spreader: (No change since last month's Report.)

- Our Office prepared a Bid Specification for the proposed new DPW Dump Truck. The Bid Opening occurred on December 30, 2015. One Bid was received from Opdyke's Sales and Service, in the amount of \$155,887. Please refer to separate correspondence from our Office, dated January 4, 2016, regarding this matter entitled "Award Recommendation".
- Our Office forwarded a "Notice of Contract Award" on January 6, 2016 to Opdyke's Sales & Service. I will assume at this juncture that all the necessary paperwork and associated Contract documents have long since been executed. Ron Read is now handling this matter/Contract directly with Bob Opdyke from Opdyke Sales & Service.

8. New Salt Shed at DPW Yard

- As discussed at the April 4, 2016 committee meeting, our office was to coordinate with the DPW in conjunction with the Township's intent to construct a new Salt Shed at the DPW Property. I previously met with Rich (Footer) and Joe to discuss the proposed location, size, type and other miscellaneous parameters associated with the new Salt Shed. We are currently in the process of soliciting estimates from various building suppliers for the new Salt Shed. As of the date of this report we are still waiting for additional estimates. As briefly discussed at the May 2, 2016 Committee Meeting, the cost estimates received to date are well in excess of the \$40K which is my understanding of the amount that was budgeted for this structure.
- This project was reviewed at the June 6, 2016 Committee meeting where the budget estimates received by our office were discussed. As stated above, all of the estimates received are WELL in excess of the \$40K budget. Therefore, it was agreed that the Township would not look to pursue this project this year based upon the lack of available funding. I believe the Township will look to potentially budget additional monies for the reconsideration for this project in 2017.

**Roger Bulava – Recycling**

Not present at meeting.

**Jim Onembo – Code Enforcement/Zoning**

Mr. Onembo updated the committee as to various construction/zoning projects, as well as, the status of the sinkhole at 3 Pohat Court. Frye Engineering was hired by the homeowners, because of their insurance company. Deplorable outside conditions.

**DPW REPORT – Ron Read - Report on File**

Mr. Read reported that roads are being prepped for oil/chip. The new DPW truck is being prepped at Opdyke's.

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

Mr. Schlessinger not present.

**Beth Barry – Open Space Commission**

Mrs. Barry had nothing to report, no Open Space Committee Meeting.

**Rescue Squad – Chief Karen Chiu**

Chief Chiu had nothing to report.

**OEM – Raymond Read –**

Mr. Read not in attendance tonight.

**Fire Department– Chief Raymond Read –**

Chief Read not in attendance tonight.

**Township Committee Reports:**

**Jeff DeAngelis**

Committeeman DeAngelis advised the committee that he will be speaking with other insurance companies as he is experiencing difficulty with our broker to get a response as to our renewals. He will be speaking with our townships as to who they use as their carriers and bring additional information back to the August meeting.

**Michael Toretta**

Nothing further to report.

**Joe Flynn**

Not present.

**Jacob Pence**

Nothing further to report.

**Bonnie Butler, Mayor**

Mayor Butler informed that Chuck Herring and Walter VanLieu will meet this Wednesday, to discuss the transition from our in-house Construction Department to the State DCA. Effective, July 18<sup>th</sup> the state will take over this department and temporarily Ray Stoever will be our contact person. Municipal office hours will be worked out, for residents/contractors to stop at the municipal building for any questions. Permits can still be mailed/dropped off at the municipal building and Mr. Stoever will be in/out of the office to retrieve as well as phone messages. The state will also provide a direct number to their office on Rt. 173 in Asbury and residents/contractors can go to their location as well.

Let the record reflect that Attorney Kevin Benbrook joined the meeting at 7:50 pm.

**OPEN PUBLIC SESSION**

Beth Barry – Informed again that “No Large Truck” signs are needed on Mountain View Road

Rick Canale – Advised that his request for a “Weight Limit Restriction” sign has not been posted for Wolverton Road. Attorney Benbrook informed that the sign will have to be placed on the County Right of Way and has to be posted by the County Road Department. The township has done everything they can, up to this point, to allow this sign to be posted. Mayor Butler will take a picture of a sign in Lebanon Township to post on Lime Kiln Road, top and bottom of Butler Road and at the bottom of Mountain View Road, “Road Impassable to Large Trucks”. Mr. Canale would like a resolution to his problem before he leaves the meeting and is hoping the township committee can help rectify. Has already had

\$3,200 in damages and feels he shouldn't have to pay for damages since he has been asking for signs to be put up. Mayor Butler informed Mr. Canale that the township does not get involved with any private property matters, and damages to his property are his own responsibility. The delay with the signs are not due to inaction of the township. Engineer Finelli suggested to Mr. Canale that he should read the letter received from the DOT as to requiring a traffic study and this could take eight months to a year to conduct. Suggested that reaching out to your state senators might help to speed up this process.

Beth Barry – Musconetcong Watershed Association, issues with numerous complaints as to poor visibility at the corner of Maple Avenue and Main Street due to vegetation. County has been out to site and advised that vegetation is not an issue. Mayor Butler, advised that the vegetation between the MWA property and the bridge needs to be cut down. Mrs. Barry will reach out to Bill Gleba, County Engineer as to a possible mirror to be installed to help motorist pulling out of Maple Avenue to see oncoming traffic on Main Street.

Speeding on Bryan Road – Apparently a dog was hit the other day on this road and due to corn growing it is hard to see coming into the bend. Drivers rounding the bend heading toward Asbury Broadway Road in the straight of way are speeding, some not even stopping at stop sign. Possibility of a speed bump to be installed? Mayor Butler will notify the state police of this problem.

**EXECUTIVE SESSION**

**BE IT RESOLVED**, on this 11th day of July, 2016, 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

**Contract Negotiations – Franklin Township Court**

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 11th, day of July, 2016 by the Franklin Township Committee, that the matter stated will be discussed in executive session, said session to commence at 8:15 pm.

On Motion by Mike Toretta and seconded by Jacob Pence to exit to executive session at 8:15 p.m. Unanimous Vote.

On motion by Mike Toretta and seconded Jeff DeAngelis to return to the regular session at 8:26 p.m. Unanimous Vote.

**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.

<b>Roll Call:</b>	<b>Yes</b>	<b>No</b>	<b>Absent/Abstained</b>	
Michael Toretta	X			
Joe Flynn			X	
Jacob Pence	X			
Jeff DeAngelis	X			
Mayor, Bonnie Butler	X	(4) Yes (0) No (1) Absent		Motion carried

**MOTION FOR ADJOURNMENT:**

On motion by Bonnie Butler and seconded by Mike Toretta, hearing no objection, meeting stands adjourned at 8:28 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	(4) Yes	(0) No	(1) Absent
				Motion carried

Respectfully submitted,

Denise L. Becton  
Municipal Clerk