

## **REGULAR MEETING**

The Franklin Township Committee held its regular monthly meeting at 7:00 pm on Monday, May 1, 2017. Deputy Mayor Mike Toretta 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:** Jeannene Butler, Mike Ferri, Jacob Pence, Mike Toretta (4) Present.

**Absent:** Mayor Jeff DeAngelis

Present were: Denise L. Becton, Municipal Clerk, Mike Finelli Municipal Engineer, Kevin Benbrook, Municipal Attorney, Jim Onembo, Zoning/Code Enforcement, Raymond Read, OEM, Roger Bulava, Recycling Coordinator.

**CONSENT AGENDA:**

**(One Roll Call to approve the following agenda items 2-4)**

**2. MINUTES**

- a. Regular Meeting Minutes of April 3, 2017

**3. RESOLUTION**

- a. Proclamation Older Americans Month – May, 2017

**4. RAFFLES**

- a. Franklin Township Rescue Squad, Off-Premises 50/50 Raffle, August 5, 2017

On motion by Jacob Pence and seconded by Jeannene Butler the Consent Agenda Items above be adopted as read.

Roll Call Vote	Yes	No	Absent/Abstained
Jacob Pence	X		
Jeannene Butler	X		
Mike Ferri	X		
Michael Toretta	X		
Mayor Jeff DeAngelis		X	

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

**NEW BUSINESS:**

**REPORT/UPDATE:**

**NJSP** – Trooper present advised residents to lock their cars and homes. Finding that people are going into unlocked cars in driveways, taking miscellaneous items. Mr. Onembo informed the trooper to go to 6 Montana Road, home foreclosure, apparently there is a blue car that has been parked in the driveway for approximately 2 weeks.

**Opening of Sealed Window Bids** – Discussion to ensue in Executive Session

**OLD BUSINESS** – no old business placed on the agenda for discussion

**REPORTS/UPDATES:**

**Attorney Report –**

Attorney Benbrook updated the committee as to the donated properties from Lipardi, as well as to COAH and OPRA Litigation. Mr. Benbrook has been dealing with terminated contract with G&K Uniform. He informed the committee that we may be the first municipality in the State of NJ to be sued in the state of Minnesota over an early terminated contract that is voidable as to procedural irregularities not included in their contract.

**Engineer Report – Report on File (see below)**

Mr. Finelli reviewed his report with the committee, touching base on the water main extension and placement of hydrants in the township.

**1. Maple Avenue: 2015 NJDOT Trust Fund Grant Project (No change since last month's Report)**

- Project complete. Refer to Engineer's Report dated March 3, 2017 for details and information.

**2. 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

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.
- The Township recently received a cover letter from the EPA which notified the Township of the pending submission of the Draft Final Design Plans and specifications. The letter requested that the Township have our office review these documents. The EPA requested comments from the Township (our office) by December 9, 2016. A hard copy original of the Draft Final Design Plans (95% complete), dated November, 2016, along with a CD was received by the Township during the week of November 28, 2016.

- A conference call between myself and John Tobia, P.E., CH2MHill, and other EPA/project reps occurred on March 9, 2017. Our review letter, dated January 19, 2017, was reviewed in detail during the conference call. Most of the issues were discussed and resolved. A revised set of plans reflecting both our prior comments and comments from the Water Co. were received by our office on March 29, 2017. Our office is currently in the process of reviewing this information and will provide a letter to the EPA and CH2MHill in the near future.
- Our office forwarded our latest set of review comments to John Tobia, P.E., CH2MHill, on April 24, 2017. This memo reflects miscellaneous review comments based upon the 95% complete Final Design drawings.
- In addition to the comments provided regarding the Final Design drawings (referenced above), our office has also been in contact with Sonny Read, Fire Chief, regarding the proposed hydrant locations. CH2MHill has been coordinating with New Jersey American Water Co. (NJAWCo) regarding the location and spacing of all of the proposed hydrants within the Franklin Township section of the water main extension project. The latest set of marked up Plans indicating all of the proposed hydrants has been recently forwarded to Sonny Read for his review and comment. The TC should be advised that they will need to provide an official approval letter for both the number and location of all the proposed hydrants which will need to be sent to both NJAWCo and the EPA.

**5. New Municipal Roadway Connector: Stewartsville Road to NJSW Route 57:  
(No change since last month's Report)**

- At the September 12, 2016 Committee Meeting, this potential project was discussed. This project would consist of a new roadway being constructed from a point along Stewartsville Road to the existing driveway opening along Route 57 that was previously constructed by The Chapel at Warren Valley. This property has recently been purchased by Robert Santini who met with me and discussed the possibility of the conveyance of a Right-of-Way to the Township for the possible construction of this new connector road.
- The benefits of this new roadway would clearly be the elimination of the dangerous and substandard existing intersection of Stewartsville Road with Route 57. Obviously, a serious consideration relative to this project would be the cost for the construction of the roadway. As discussed, there are some Grant Programs available that would help the Township in funding a project of this magnitude. Since the project in question was just discussed, the Township wanted to consider the matter further.
- I have recently been in contact with Tom Bodolsky, PE, regarding this property. Based upon the letters received by Mr. Santini from the NJDOT relative to the use of the existing driveway on Route 57, Mr. Bodolsky is in the process of preparing a "new" Driveway Access Permit Application which will be forwarded to both the Township and the NJDOT with the intent of allowing Mr. Santini to use this existing driveway for agricultural purposes.
- Our office did recently receive and review a driveway permit application from Mr. Santini via Mr. Bodolsky. We granted a conditional approval to the permit

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 both the June 6, 2016 and July 11, 2016 Committee meetings 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 in 2016 based upon the lack of available funding. I believe the Township may look to potentially budget additional monies for the reconsideration for this project in 2017. This matter was briefly discussed at the February 6, 2017 Committee Meeting and it does not appear (to my knowledge) that the Township will be budgeting any monies for this project in the 2017 budget.

#### 7. 2017 NJDOT State Aid Program (No change since last month's Report)

- As was previously discussed, the State of New Jersey reinstated the Transportation Trust Fund (TTF). Both the Township and our office received a letter, dated November 17, 2016, from the NJDOT Commissioner indicating that the 2017 State Aid Program was now restored. The program, as outlined, appears to be identical to the prior programs the Township has been very successful in securing Grant funding through. The applications need to be submitted by February 3, 2017 through SAGE.
- At the December, 2016 Committee Meeting, the Committee authorized our office to prepare one Application for submission under the 2017 Grant Program. The Application which was determined to be the best Applicant for submission under this program was Stewartsville Road for its entire length from Route 57 to the Greenwich Township boundary line. Our office met with the DPW to review the existing conditions of the roadway and have since prepared and submitted the Application to the NJDOT in advance of the deadline.
- Resolution 2017-37 was adopted by the Committee at the February 6, 2017 Committee Meeting which confirmed the development and submission of the 2017 Application for Stewartsville Road. Denise B. forwarded me three (3) Certified copies which were then forwarded to the NJDOT for their information and records. At this juncture, I am uncertain as to the timeline relative to the announcement of any awards, but typically it is a minimum of three (3) or more months until any announcements are made. I will keep the Township apprised of any details associated with the award announcements through this program.

#### 8. Ordinance Development : Vehicles & Traffic, Chapter 129

- As discussed at the February 6, 2017 Committee Meeting, Chapter 129 (Vehicles & Traffic) of our existing ordinance is woefully inadequate and antiquated. Our office did some research of our files and came across a number of previously developed draft ordinances and documents that had apparently been worked on quite a few years ago. Subsequently, a meeting was held at the Municipal Building with representatives of the DPW, our office and Denise B. Since a lot of previously developed information appears to be available, I do not believe that

Denise, we should be in a very good position to complete the update to Chapter 129 of our Ordinance. Also, as a reminder to all, this Ordinance will need to be sent to the NJDOT for their approval.

- Our office recently forwarded certain sections of Chapter 129 to Ron Read for his review and/or completion as some of this information was not either supplied or applicable as per the most recent information provided to our office by the DPW. Once this information is received, it will be incorporated into the Ordinance as agreed upon at the 4/3/17 Committee meeting, Kevin Benbrook, Esq. is going to prepare the initial “draft” of the new ordinance for our office to review prior to it being sent to the NJDOT for approval. The Township Committee decided against entering into any contract with General Code for the purposes of the development of this section of the Township Ordinances.

#### **Roger Bulava – Recycling –**

Mr. Bulava reminded that our annual Spring Clean Up is June 10<sup>th</sup> and May 20<sup>th</sup> is the annual Paper Shredding Event at the Warren County Administration Building.

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

Mr. Onembo briefed the committee as to complaints received and code issues that he has dealt with this past month.

#### **Open Space Commission – No one present**

#### **DPW REPORT – Ron Read – Not present**

#### **Franklin Township Youth Association – No one present**

#### **Rescue Squad – Ernie Buel – Not present**

Asst. Chief Chiu informed that the squad will be holding a fund raiser this Saturday at their station from 12-3.

#### **Franklin Township Community Center – Eddy Patient – not present at this meeting – no report**

### **Township Committee Reports:**

#### **Jacob Pence**

Nothing further to report

Nothing further to report.

**Jeff DeAngelis, Mayor - absent**

Discussion next month as to a possible re-zoning of part of Rt. 57 from Rossini's Supermarket to Hunter's Tavern. Attorney Benbrook informed that language can be created to allow those who want to remain residential zoning.

**OPEN PUBLIC SESSION – hearing nothing from the public**

Bob Taylor – Concern with Engine Braking on Asbury-Broadway Road, noise, larger signs need to be posted and enforcement of the Ordinance.

Jennifer Soffield, Jeff and Lisa Jones – Old Main Street, Asbury, concern of large commercial trucks driving through town where children and pets live. Not only do the trucks create a loud noise, speeding is another factor. Would like to see speed and enforcement of traffic laws. Attorney Benbrook informed that this is a county road and the township has no jurisdiction over who can drive on this road. Engineer Finelli will write a letter informing the county of this situation, for a possible diversion of large commercial trucks through this part of town.

The municipal clerk will email the state police as to Mr. Taylors concern as well as Soffield/Jones.

Carl Sigler – Concerned with the township property located behind the old Cherry Brook building as it is overgrown. This section of land is not farmed by the tenant. Attorney Benbrook will handle this matter accordingly.

**ANTI-BULLYING PRESENTATION -Gilbert Andwati** – President/Founder of Hope for the Hurt – Presentation of Anti-Bullying ([Hope4thehurt.org](http://Hope4thehurt.org)) - Mr. Andwati is campaigning for a Suicide Awareness Day Declaration to be signed by municipalities in support of his efforts to educate our children in schools of anti bullying, depression and suicide. July 29<sup>th</sup> is a scheduled benefit concert in Washington Borough. Monies raised at fundraisers will help fund their own facility for people to be able to come to that are looking for full support. Chief School Administrator, Matt Eagleburger of Franklin Township Board of Education, present in the audience this evening, offered to work with Mr. Andwati and find out what this is all about. Attorney Benbrook will devise a Declaration for possible consideration at the next township meeting.

**OEM – Raymond Read** – Mr. Read informed the committee that he and OEM Becton worked for days trying to renew the System Account Management (SAM.gov) to manage state and federally funded grant monies awarded to the township from 2013-2017. This took some time/hours but finally succeeded and renewed for another year.

**EXECUTIVE SESSION**

**BE IT RESOLVED**, on this 1st day of May, 2017, 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 – Window Replacement Municipal Building Personnel - DPW**

On motion by Jacob Pence and seconded Jeannene Butler to return to the regular session at 8:31 p.m. Unanimous Vote.

**MOTION FOR PAYMENT OF BILL LIST:**

On motion by Mike Ferri and seconded by Jacob Pence, hearing no objection, to pay the bills from the bill list provided by the Chief Financial Officer.

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

**MOTION FOR ADJOURNMENT:**

On motion by Jacob Pence and seconded by Jeannene Butler, hearing no objection, meeting stands adjourned at 8:38 pm.

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

Respectfully submitted,

Denise L. Becton  
Municipal Clerk