

REGULAR MEETING OF THE TOWNSHIP COUNCIL
TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, NEW JERSEY
JANUARY 14, 2003

The Regular Meeting of the Township Council of the Township of Franklin, County of Somerset, New Jersey, held at 475 DeMott Lane, Somerset, was called to order by the Mayor at 7:02 p.m.

The Township Clerk read a statement indicating all requirements of P.L. 1975, Chapter 231 (The Open Public Meeting Act) had been met.

1. CALL TO ORDER

The Township Clerk called the roll.

Present: Mayor Sumter, Deputy Mayor Grippo, Ms. Barrier, Mr. Chivukula, Ms. Eberle, Mr. Levine, Mr. Mazzola, Mr. McKenzie, Mr. Mettler

Absent: No One

Also Present: Louis N. Rainone, Esq., Township Attorney, Kenneth W. Daly, Township Manager, Jean C. Pellicane, RMC, Township Clerk

APPOINTMENTS DEFERRED TO 1/14/03:

A. NOMINATIONS FOR ONE (1) REGULAR RENT LEVELING BOARD MEMBER – 3 YEAR TERM EXPIRING 12/31/05

Nominations were called for one (1) Regular Rent Leveling Board Member for a three (3) year term commencing January 14, 2003 and expiring December 31, 2005.

Deputy Mayor Grippo nominated **Arnell Jenkins**.

There being only one nomination for this position, upon a motion made, seconded and unanimously agreed, Darnell Jenkins was appointed Regular Rent Leveling Board Member by unanimous acclamation.

B. NOMINATIONS FOR TWO (2) ALTERNATE MEMBERS OF THE RENT LEVELING BOARD – 1 YEAR TERMS EXPIRING 12/31/03

Nominations were called for two (2) Alternate Members of the Rent Leveling Board for one (1) year terms commencing January 1, 2003 and expiring December 31, 2003.

Deputy Mayor Grippo nominated **Eugene Armstead and Annette Britton**.

There being only two nominations for these two positions, upon a motion made, seconded and unanimously agreed, Eugene Armstead and Annette Britton were appointed Alternate Members of the Rent Leveling Board by unanimous acclamation.

C. NOMINATIONS FOR TWO (2) REGULAR MEMBERS OF THE ADVISORY BOARD OF HEALTH – 3 YEAR TERMS EXPIRING 12/31/05

Nominations were called for two (2) Regular Members of the Advisory Board of Health for three (3) year terms commencing January 1, 2003 and expiring December 31, 2005.

Deputy Mayor Grippo nominated **Charles Spicer and Lucille Barisonek**.

There being only two nominations for these two positions, upon a motion made, seconded and unanimously agreed, Charles Spicer and Lucille Barisonek were appointed Regular Members of the Advisory Board of Health by unanimous acclamation.

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Upon a motion made, seconded and agreed, these nominations were deferred to January 28, 2003.

E. NOMINATIONS FOR THREE (3) REGULAR MEMBERS OF THE RECREATION COUNCIL – 3 YEAR TERMS EXPIRING 12/31/05

Nominations were called for three (3) Regular Members of the Recreation Council for three (3) year terms commencing January 1, 2003 and expiring December 31, 2005, and four Teenage Non-Voting Members for one (1) year terms commencing January 1, 2003 and expiring December 31, 2003.

Mr. McKenzie nominated Paul Curry, Michael Edwards and Tom Malone for Regular Members and the following individuals for Teenage Non-Voting Members:

- Public School/Male – Jonathan Kuligowski
- Public School/Female – Beth Ann Clyde
- Private School/Male – Christian Husby
- Private School/Female – Jacqueline Diana

There being the same number of nominations as positions available, upon a motion made, seconded and unanimously agreed, the above-mentioned nominees were appointed by unanimous acclamation.

F. NOMINATIONS – FIVE (5) MEMBERS OF THE HUMAN RELATIONS COMMISSION – 3 YEAR TERMS EXPIRING 12/31/05

Nominations were called for five (5) members of the Human Relations Commission for three (3) year terms commencing January 1, 2003 and expiring December 31, 2005.

Mr. Grippo nominated Alfred Ceaser, Murray Rothblatt, Linda Vestal, Chandrakant Desai and moved to defer one appointment to January 28, 2003.

There being as less nominations as positions, upon a motion made, seconded and unanimously agreed, Alfred Ceaser, Murray Rothblatt, Linda Vestal and Chandrakant Desai were appointed members of the Human Relations Commission by unanimous acclamation.

G. NOMINATIONS – ONE (1) NON-MEMBER SENIOR MEMBER OF THE SENIOR CITIZEN ADVISORY COMMITTEE – 1 YEAR TERM EXPIRING 12/31/03

Nominations were called for one (1) Non-Member Senior Member of the Senior Citizen Advisory Committee for a one (1) year term commencing January 1, 2003 and expiring December 31, 2003.

Deputy Mayor Grippo nominated Mary Bartha.

There being only one nomination for this position, upon a motion made, seconded and unanimously agreed, Mary Bartha was appointed Non-Member Senior Member of the Senior Citizen Advisory Committee by unanimous acclamation.

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H. NOMINATIONS – ONE (1) NON-SENIOR RESIDENT MEMBER OF THE SENIOR CITIZEN ADVISORY COMMITTEE – 1 YEAR TERM EXPIRING 12/31/03

Nominations were called for one (1) Non-Senior Resident Member of the Senior Citizen Advisory Committee for a one (1) year term commencing January 1, 2003 and expiring December 31, 2003.

Deputy Mayor Grippo nominated Donald Schilke.

There being only one nomination for this position, upon a motion made, seconded and unanimously agreed, Donald Schilke was appointed Non-Senior Member of the Senior Citizen Advisory Committee by unanimous acclamation.

I. NOMINATIONS – BUSINESS & INDUSTRY ADVISORY COMMITTEE

Nominations were called for the following nominations to the Business & Industry Advisory Committee for one (1) year terms commencing January 1, 2003 and expiring December 31, 2003:

Two (2) Representatives of Township Council

Deputy Mayor Grippo nominated Shirley Eberle & Catherine Barrier.

One (1) Representative of the Planning Board

Deputy Mayor Grippo nominated Bernie Schrum.

One (1) Representative of the Board of Adjustment

Deputy Mayor Grippo nominated Alfred Ceaser.

There being only one nomination for each these positions, upon a motion made, seconded and unanimously agreed, the above-mentioned nominees were appointed to the Business & Industry Advisory Committee by unanimous acclamation.

J. NOMINATIONS – FIVE (5) MEMBERS OF AGRICULTURAL ADVISORY COMMITTEE – 1 YEAR TERMS EXPIRING 12/31/03

Nominations were called for five (5) Members of the Agricultural Advisory Committee for one (1) year terms commencing January 1, 2003 and expiring December 31, 2003.

Deputy Mayor Grippo nominated Robert Puskas, Ryke Suydam, Berit Marshal, Frank Hasner & Lura Gund.

There being the same number of nominations as positions available, upon a motion made, seconded and unanimously agreed, Robert Puskas, Ryke Suydam, Berit Marshal, Frank Hasner and Laura Gund were appointed Members of the Agricultural Advisory Committee by unanimous acclamation.

K. NOMINATIONS – CABLE TELEVISION ADVISORY COMMITTEE – 2 YEAR TERMS EXPIRING 12/31/04 - THREE (3) GENERAL PUBLIC REPRESENTATIVES

Nominations were called for three (3) General Public Representatives to the Cable Television Advisory Committee for two (2) year terms commencing January 1, 2003 and expiring December 31, 2004.

Deputy Mayor Grippo nominated Harold Leventhal, Hanns Schwarz and Michael Steinberg.

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There being only three nominations for these positions, upon a motion made, seconded and unanimously agreed, Harold Leventhal, Hanna Schwarz and Michael Steinberg were appointed General Public Representatives to the Cable Television Advisory Committee by unanimous acclamation.

L. MAYOR'S APPOINTMENT - ONE (1) REGULAR MEMBER OF THE SHADE TREE COMMISSION – 5 YEAR TERM EXPIRING 12/31/07

Mayor Sumter appointed Sheila Geoghegan to the Shade Tree Commission.

M. NOMINATIONS FOR ONE (1) ALTERNATE MEMBER OF SHADE TREE COMMISSION – 5 YEAR TERM EXPIRING 12/31/07

Nominations were called for one (1) Alternate Member of the Shade Tree Commission for a five (5) year term expiring December 31, 2007.

Deputy Mayor Grippo nominated Roberta Fleischman.

There being only one nomination for the position, upon a motion made, seconded and unanimously agreed, Roberta Fleischman was appointed Alternate Member of the Shade Tree Commission by unanimous acclamation.

N. NOMINATIONS FOR ONE (1) OPEN SPACE ADVISORY COMMITTEE/HISTORIC PRESERVATION COMMISSION REPRESENTATIVE EXPIRING 12/31 OF YEAR OF HISTORIC PRESERVATION COMMISSION TERM EXPIRATION

Nominations were called for on (1) Open Space Advisory Committee/Historic Preservation Commission Representative for a term expiring December 31st of the year of the Historic Preservation Commission term expiration.

Deputy Mayor Grippo nominated Joanne Kaiser.

There being only one nomination for this position, upon a motion made, seconded and unanimously agreed, Joanne Kaiser was appointed Open Space Advisory Committee/Historic Preservation Commission Representative by unanimous acclamation.

O. NOMINATIONS FOR ONE (1) OPEN SPACE ADVISORY COMMITTEE/AGRICULTURAL COMMITTEE REPRESENTATIVE – 1 YEAR TERM EXPIRING 12/31/03

Nominations were called for one (1) Open space Advisory Committee/Agricultural Committee Representative for a one (1) year term commencing January 1, 2003 and expiring December 31, 2003.

Deputy Mayor Grippo nominated Robert Puskas.

There being only one nomination for the position, upon a motion made, seconded and unanimously agreed, Robert Puskas was appointed Open Space Advisory Committee/Agricultural Committee Representative by unanimous acclamation.

P. NOMINATIONS FOR TWO (2) CITIZEN MEMBERS OF THE OPEN SPACE ADVISORY COMMITTEE – 3 YEAR TERMS EXPIRING 12/31/05

Upon a motion made, seconded and agreed, these nominations were deferred to January 28, 2003.

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Nominations were called for three (3) Township Council Representatives to the Emergency Life Support Committee for one (1) year terms commencing January 1, 2003 and expiring December 31, 2003.

Mr. McKenzie nominated Shirley Eberle, Willis Sumter and Anthony Mazzola.

There being the same number of nominations as positions, upon a motion made, seconded and unanimously agreed, Shirley Eberle, Willis Sumter and Anthony Mazzola were appointed Township Council Representatives to the Emergency Life Support Committee by unanimous acclamation.

R. NOMINATIONS FOR THREE (3) FINANCIAL OVERSIGHT SUBCOMMITTEE MEMBERS – 1 YEAR TERMS EXPIRING 12/31/03

Nominations were called for three (3) Financial Oversight Subcommittee Members for one (1) year terms commencing January 1, 2003 and expiring December 31, 2003.

Deputy Mayor Grippo nominated Upendra Chivukula, Fred A. McKenzie & Anthony Mazzola.

There being the same number of nominations as positions, upon a motion made, seconded and unanimously agreed, Upendra Chivukula, Fred A. McKenzie and Anthony Mazzola were appointed Financial Oversight Subcommittee Members by unanimous acclamation.

S. NOMINATIONS FOR THREE (3) MEMBERS OF THE INSURANCE COMMISSION – 1 YEAR TERMS EXPIRING 12/31/03

Nominations were called for three (3) members of the Insurance Commission for one (1) year terms commencing January 1, 2003 and expiring December 31, 2003.

Deputy Mayor Grippo nominated Kenneth W. Daly, Jose Agosto & Marc Dashfield.

There being the same number of nominations as positions, upon a motion made, seconded and unanimously agreed, Kenneth W. Daly, Jose Agosto and Marc Dashfield were appointed members of the Insurance Commission by unanimous acclamation.

T. NOMINATIONS FOR TOWNSHIP COUNCIL REPRESENTATIVES TO THE COMMUNITY FOUNDATION, INC. - TWO (2) MEMBERS – 2 YEAR TERMS EXPIRING 12/31/04

Nominations were called for nomination for two (2) Township Council Representatives to the Community Foundation, Inc., for two (2) year terms commencing January 1, 2003 and expiring December 31, 2004.

Deputy Mayor Grippo nominated Catherine Barrier and Brian D. Levine.

There being only two nominations for the positions, upon a motion made, seconded and unanimously agreed, Catherine Barrier and Brian D. Levine were appointed by unanimous acclamation.

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Police Department Representative**

Nominations were called for four (4) Township Council Representatives and a Police Department Representative to the Council's Traffic Management Subcommittee.

Deputy Mayor Grippo nominated Catherine Barrier, Upendra Chivukula, Shirley Eberle and Brian Levine to serve as Township Council Representatives and Sgt. Robert Vornlocker to serve as Police Department representative.

There being the same number of nominations as positions, upon a motion made, seconded and unanimously agreed, Catherine Barrier, Upendra Chivukula, Shirley Eberle and Brian Levine were appointed to the Council's Traffic Management Subcommittee by unanimous acclamation.

V. NOMINATIONS FOR ONE (1) TOWNSHIP COUNCIL LIAISON & ONE (1) ALTERNATE COUNCIL LIAISON TO FIRE PREVENTION BOARD – 1 YEAR TERM EXPIRING 12/31/03

Nominations were called for one (1) Township Council Liaison and one (1) Alternate Council Liaison to Fire Prevention Board for one (1) year terms commencing January 1, 2003 and expiring December 31, 2003.

Mr. Chivukula nominated William Grippo to serve as Regular Liaison and Robert Mettler to serve as Alternate Liaison.

There being only one nomination for each position, upon a motion made, seconded and unanimously agreed, William Grippo and Robert Mettler were appointed Township Council Liaison and Alternate Council Liaison respectively to the Fire Prevention Board by unanimous acclamation.

W. NOMINATIONS FOR COUNCIL LIAISON TO RECREATION COUNCIL – 1 YEAR TERM EXPIRING 12/31/03

Nominations were called for Council Liaison to Recreation Council for a one (1) year term commencing January 1, 2003 and expiring December 31, 2002.

Mr. Chivukula nominated William Grippo.

There being only one nomination for the position, upon a motion made, seconded and unanimously agreed, William Grippo was appointed Council Liaison to Recreation Council by unanimous acclamation.

X. NOMINATION FOR ONE (1) COUNCIL LIAISON TO THE ADVISORY BOARD OF HEALTH – 1 YEAR TERM EXPIRING 12/31/03

Nominations were called for one (1) Council Liaison to the Advisory Board of Health for a one (1) year term commencing January 14, 2003 and expiring December 31, 2003.

Deputy Mayor Grippo nominated Anthony Mazzola.

There being only one nomination for this position, upon a motion made, seconded and unanimously agreed, Anthony Mazzola was appointed Council Liaison to the Advisory Board of Health by unanimous acclamation.

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Nominations were called for nomination for one (1) Council Liaison to the Human Relations Commission for a one (1) year term commencing January 14, 2003 and expiring December 31, 2003.

Deputy Mayor Grippo nominated Catherine Barrier.

There being only one nomination for this position, upon a motion made, seconded and unanimously agreed, Catherine Barrier was appointed Council Liaison to the Human Relations Commission by unanimous acclamation.

Z. NOMINATIONS FOR ONE (1) COUNCIL LIAISON TO THE SENIOR CITIZEN ADVISORY COMMITTEE – 1 YEAR TERM EXPIRING 12/31/03

Nominations were called for one (1) Council Liaison to the Senior Citizen Advisory Committee for a term of one (1) year commencing January 14, 2003 and expiring December 31, 2003.

Deputy Mayor Grippo nominated Shirley Eberle.

There being only one nomination for this position, upon a motion made, seconded and unanimously agreed, Shirley Eberle was appointed Council Liaison to the Senior Citizen Advisory Committee by unanimous acclamation.

AA. NOMINATIONS FOR ONE (1) COUNCIL LIAISON TO THE HISTORIC PRESERVATION COMMISSION – 1 YEAR TERM EXPIRING 12/31/03

Nominations were called for one (1) Council Liaison to the Historic Preservation Commission for a one (1) year term commencing January 14, 2003 and expiring December 31, 2003.

Deputy Mayor Grippo nominated Robert Mettler.

There being only one nomination for this position, upon a motion made, seconded and unanimously agreed, Robert Mettler was appointed Council Liaison to the Historic Preservation Commission by unanimous acclamation.

BB. NOMINATIONS FOR ONE (1) COUNCIL LIAISON TO THE CABLE TELEVISION ADVISORY COMMITTEE – 1 YEAR TERM EXPIRING 12/31/03

Nominations were called for one (1) Council Liaison to the Cable Television Advisory Committee for a one (1) year term commencing January 14, 2003 and expiring December 31, 2003.

Mr. McKenzie nominated William Grippo.

There being only one nomination for this position, upon a motion made, seconded and unanimously agreed William Grippo was appointed Council Liaison to the Cable Television Advisory Committee by unanimous acclamation.

CC. NOMINATIONS FOR TWO (2) COUNCIL LIAISON TO THE YOUTH SERVICES COMMISSION/ALLIANCE AGAINST SUBSTANCE ABUSE – 1 YEAR TERMS EXPIRING 12/31/03

Nominations were called for two (2) Council Liaison to the Youth Services Commission/Alliance Against Substance Abuse for one (1) year terms commencing January 14, 2003 and expiring December 31, 2003.

Deputy Mayor Grippo nominated Willis Sumter and Brian Levine.

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There being only one (1) nomination for this position, upon a motion made, seconded and unanimously agreed, Willis Sumter and Brian Levine were appointed Council Liaison to the Youth Services Commission/Alliance Against Substance Abuse by unanimous acclamation.

DD. NOMINATIONS FOR TWO (2) COUNCIL LIAISON TO THE BOARD OF EDUCATION – 1 YEAR TERMS EXPIRING 12/31/03

Nominations were called for two (2) Council Liaison to the Board of Education for one (1) year terms commencing January 14, 2003 and expiring December 31, 2003.

Deputy Mayor Grippo nominated Fred McKenzie & Brian Levine.

There being only two nominations for two positions, upon a motion made, seconded and unanimously agreed, Fred McKenzie and Brian Levine were appointed Council Liaison to the Board of Education by unanimous acclamation.

EE. NOMINATIONS FOR ONE (1) COUNCIL LIAISON TO SEWERAGE AUTHORITY – 1 YEAR TERM EXPIRING 12/31/03

Nominations were called for one (1) Council Liaison to Sewerage Authority for a one (1) year term commencing January 14, 2003 and expiring December 31, 2003.

Ms. Eberle nominated William Grippo; Mr. McKenzie seconded the nomination.

Mr. Mettler noted pending business with the Franklin Township Sewerage Authority, specifically a letter received several months ago requesting that the Authority pay salaries to its commissioners. Mr. Mettler noted his opposition to the proposal because:

- (1) The Sewerage Authority Commissioners do not work harder or devote more hours than members of the Planning Board, Board of Adjustment or Board of Education who are not paid; and
- (2) Since the FTSA is appointed by the Council, the policy could create a system of patronage.

The opinion on this question of the Councilmember appointed as liaison should be known by the Council before the appointment is made.

Deputy Mayor Grippo responded that he has not given the request much thought and that further information from the Township Manager and Township Attorney must be considered before a decision can be made. He had no objection to having this appointment deferred until February, after Council has had a chance to consider the question at a Work Session. Council concurred and the appointment was deferred to the 2/11/03 meeting.

FF. NOMINATIONS FOR ONE (1) COUNCIL LIAISON TO JOINT TASK FORCE FOR THE VILLAGE OF KINGSTON – 1 YEAR TERM EXPIRING 12/31/03

Nominations were called for one (1) Council Liaison to the Joint Task Force for the Village of Kingston for a one (1) year term commencing January 14, 2003 and expiring December 31, 2003.

Mr. Mazzola nominated Shirley Eberle.

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There being only one nomination for this position, upon a motion made, seconded and unanimously agreed, Shirley Eberle was appointed Council Liaison to the Joint Task Force for the Village of Kingston by unanimous acclamation.

GG. NOMINATIONS TO YOUTH SERVICE COMMISSION/ALLIANCE AGAINST SUBSTANCE ABUSE – 1 YEAR TERMS EXPIRING 12/31/03

Nominations were called for representatives to the Youth Service Commission/Alliance Against Substance Abuse for one (1) year terms commencing January 13, 2003 and expiring December 31, 2003.

Deputy Mayor Grippo nominated Rev. Zolie Smith as Clergy Representative; Helen Verhage as Organized Labor Representative; Rao Vallabheneni as Business/Industry Representative; Eileen Ignatoff as Local Mental Health Agency Representative; Craig Novick, Richard Grammar & Sean Hebbon as Police Department Representatives; and Alice Osipowitz as Township Manager Designee.

There being only one nomination for each of the positions, upon a motion made, seconded and unanimously agreed, the above-named representatives were appointed to the Youth Services Commission/Alliance Against Substance Abuse by unanimous acclamation.

Deputy Mayor Grippo noted that nominations are being sought for the representative of the Local Civil Organization.

HH. RECOMMENDATION BY COUNCIL - TWO (2) MEMBERS OF SOMERSET COUNTY SOLID WASTE ADVISORY COMMITTEE - 1 YEAR TERM EXPIRING 12/31/03

Recommendations were called for two (2) members of the Somerset County Solid Waste Advisory Committee for a one (1) year term commencing January 13, 2003 and expiring December 31, 2003.

Mayor Sumter recommended C. Andrew Twiford.
Deputy Mayor Grippo recommends Hank Kolakowski.

There being only two recommendations for the two positions, upon a motion made, seconded and unanimously agreed, C. Andrew Twiford and Hank Kolakowski were recommended for appointment to the Somerset County Solid Waste Advisory Committee by unanimous acclamation.

II. RECOMMENDATIONS FOR ONE (1) MEMBER OF THE SOMERSET COUNTY CULTURAL & HERITAGE ADVISORY COMMITTEE – 1 YEAR TERM EXPIRING 12/31/03

Recommendations were called for one (1) member of the Somerset County Cultural & Heritage Advisory Committee for a one (1) year term commencing January 14, 2003 and expiring December 31, 2003.

Mr. McKenzie recommended Idaherma Williams.

There being only one recommendation for this position, upon a motion made, seconded and unanimously agreed, Idaherma Williams was recommended for appointment as a member of the Somerset County Cultural & Heritage Advisory Committee by unanimous acclamation.

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JJ. NOMINATIONS – TOWNSHIP COUNCIL REPRESENTATIVE TO SCCOAH BOARD OF DIRECTORS - 1 YEAR TERM EXPIRING 12/31/03

Nominations were called for Township council Representative to Somerset County Coalition on Affordable Housing Board of Directors for a one (1) year term commencing January 14, 2003 and expiring December 31, 2003.

Mr. McKenzie nominated Catherine Barrier.

There being only one nomination for this position, upon a motion made, seconded and unanimously agreed, Catherine Barrier was appointed Township Council Representative to SCCOAH Board of Directors by unanimous acclamation.

KK. NOMINATIONS – TOWNSHIP COUNCIL LIAISON TO HAMILTON STREET BUSINESS & COMMUNITY CORP.- 1 YEAR TERM EXPIRING 12/31/03

Nominations were called for Township Council Liaison to Hamilton Street Business & Community Corp. for a one (1) year term commencing January 13, 2003 and expiring December 31, 2003.

Mr. McKenzie nominated Willis Sumter; Deputy Mayor Grippo seconded the nomination.

Mr. Mazzola nominated Catherine Barrier; Mr. Levine seconded the nomination.

Upon a motion made, seconded and agreed, the nominations were closed.

Mr. Chivukula noted that there are councilmembers on the Board of the corporation, including himself, Mayor Sumter and Ms. Barrier, and questioned the function of a liaison member. This question will be raised with the Hamilton Street Business Coordinator.

Township Clerk Pellicane polled the Board, the vote being as follows:

WILLIS SUMTER

CATHERINE BARRIER

Mr. Chivukula
Ms. Eberle
Mr. Grippo
Mr. McKenzie
Mayor Sumter

Ms. Barrier
Mr. Levine
Mr. Mazzola
Mr. Mettler

Township Clerk Pellicane declared Willis Sumter appointed as Liaison to the Hamilton Street Business & Community Corp. by unanimous acclamation.

LL. NOMINATIONS – TWO (2) TOWNSHIP COUNCIL REPRESENTATIVES TO SOMERSET COMMUNITY ACTION PROGRAM/BOARD OF TRUSTEES - 1 YEAR TERMS EXPIRING 12/31//03

Nominations were called for two (2) Township Council Representatives to Somerset Community Action Program/Board of Trustees for one (1) year terms commencing January 14, 2003 and expiring December 31, 2003.

Mr. McKenzie nominated Catherine Barrier & Willis Sumter.

There being only two nominations for the two positions, upon a motion made, seconded and unanimously agreed, Catherine Barrier and Willis Sumter were appointed Township Council Representatives to Somerset Community Action Program/Board of Trustees by unanimous acclamation.

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Nominations were called for four (4) members of Public Affairs Committee for one (1) year terms commencing January 14, 2003 and expiring December 31, 2003.

Mr. McKenzie nominated Shirley Eberle, William Grippo, Robert Mettler and Joyce Miller.

There being the same number of nominations as positions, upon a motion made, seconded and unanimously agreed, Shirley Eberle, William Grippo, Robert Mettler and Joyce Miller were appointed members of the Public Affairs Committee by unanimous acclamation.

NN. NOMINATIONS – TEN (10) MEMBERS OF ROUTE 287 TASK FORCE – 1 YEAR TERMS EXPIRING 12/31/03

Nominations were called for ten (10) members of the Route 287 Task Force for one (1) year terms commencing January 14, 2003 and expiring December 31, 2003.

Deputy Mayor Grippo nominated Shirley Eberle, Brian Levine, Upendra Chivukula, Sgt. Robert Vornlocker, Township Engineer Joseph Russo, Emergency Services Coordinator Gary Howarth, Planning Board Chair Bernie Schrum, Citizen Member Robert Thomas, Pete Mattos of Rotor Clip, Inc., Steve Goldmacher of Philips Lighting.

There being the same number of nominations as positions, upon a motion made, seconded and unanimously agreed, the above nominated persons were appointed to the Route 287 Task Force by unanimous acclamation.

Deputy Mayor Grippo noted that representation on this Task Force by the Township Planner should be deferred to the discretion of the Township Manager. Council concurred.

OO. NOMINATIONS – PLANNING, ENGINEERING AND INSPECTION CONSULTANTS – 1 YEAR TERMS EXPIRING 12/31/03

Nominations were called for Planning, Engineering and Inspection Consultants for a one (1) year term commencing January 14, 2003 and expiring December 31, 2003.

Deputy Mayor Grippo nominated Schoor DePalma, CME Associates, and Keller & Kirkpatrick.

Upon a motion made, seconded and unanimously agreed, Schoor DePalma, CME Associates and Keller & Kirkpatrick were appointed Planning, Engineering and Inspection Consultants by unanimous acclamation.

PP. NOMINATIONS – PUBLIC AGENCY COMPLIANCE OFFICER /AFFIRMATIVE ACTION – 1 YEAR TERM EXPIRING 12/31/03

Nominations were called for Public Agency Compliance Officer/Affirmative Action Officer for a one (1) year term commencing January 14, 2003 and expiring December 31, 2003.

Deputy Mayor Grippo nominated Marc Dashield.

There being only one nomination for this position, upon a motion made, seconded and unanimously agreed, Marc Dashield was appointed Public Agency Compliance Officer/Affirmative Action Officer by unanimous acclamation.

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Nominations were called for one (1) Regular Member of the Sewerage Authority for a five (5) year term commencing January 14, 2003 and expiring January 31, 2008

Deputy Mayor Grippo nominated Russell Warner; Mr. Mettler seconded the nomination.

There being only one nomination for this position, upon a motion made, seconded and unanimously agreed, Russell Warner was appointed Regular Member of the Sewerage Authority by unanimous acclamation.

RR. NOMINATIONS - ONE (1) REGULAR MEMBER OF THE HOUSING AUTHORITY – 5 YEAR TERM EXPIRING 02/07/08

Nominations were called for one (1) Regular Member of the Housing Authority for a five (5) year term commencing January 14, 2003 and expiring February 0, 2008.

Deputy Mayor Grippo nominated Alfred Ceaser; Ms. Barrier seconded the nomination.

There being only one nomination for this position, upon a motion made, seconded and unanimously agreed, Alfred Ceaser was appointed Regular Member of the Housing Authority by unanimous acclamation.

SS. NOMINATIONS - ONE (1) TENANT MEMBER OF THE HOUSING AUTHORITY TO FILL THE UNEXPIRED TERM OF MARY FLEMING – EXPIRING 2/8/06

Township Clerk Pellicane advised that a recommendation has been received from Housing Authority Executive Director Dewayne Cruse to appoint Agnes Kulu-Banya to fill the statutory position on the Authority required to be a tenant.

Nominations were called for one (1) Tenant Member of the Housing Authority to fill the unexpired term of Mary Fleming commencing January 14, 2003 and expiring February 8, 2006.

Deputy Mayor Grippo nominated Agnes Kulu-Banya.

There being only one nomination for this position, upon a motion made, seconded and unanimously agreed, Agnes Kulu-Banya was appointed Tenant Member of the Housing Authority by unanimous acclamation.

TT. NOMINATIONS - ONE (1) ALTERNATE NO. 2 MEMBER OF THE ENVIRONMENTAL COMMISSION TO FILL THE UNEXPIRED TERM OF ANDREW COZZI – EXPIRING 12/31/03

Nominations were called for one (1) Alternate No. 2 Member of the Environmental Commission to fill the unexpired term of Andrew Cozzi commencing January 14, 2003 and expiring December 31, 2003.

Deputy Mayor Grippo nominated Jean Gierlich. Upon discussion by Council of an appointment to fill the Regular Member's position vacated by Michael Hamm, this nomination was withdrawn, and Deputy Mayor Grippo nominated Gary Randolph for the position of Alternate No. 2.

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There being only one nomination for this position, upon a motion made, seconded and unanimously agreed, Gary Randolph was appointed Alternate No. 2 to the Environmental Commission by unanimous acclamation.

UU. ACCEPT RESIGNATION – MICHAEL HAMM – ENVIRONMENTAL COMMISSION

Upon a motion made, seconded and agreed, the resignation of Michael Hamm was accepted by the Township Council.

VV. NOMINATIONS – ONE (1) REGULAR MEMBER OF THE ENVIRONMENTAL COMMISSION TO FILL THE UNEXPIRED TERM OF MICHAEL HAMM – EXPIRING 12/31/03

Nominations were called for one (1) Regular Member of the environmental Commission to fill the unexpired term of Michael Hamm commencing January 14, 2003 and expiring December 31, 2003.

Deputy Mayor Grippo nominated Jean Gierlich; Mr. Mettler seconded the nomination

There being only one nomination for this position, upon a motion made, seconded and unanimously agreed, Jean Gierlich was appointed Regular Member of the Environmental Commission by unanimous acclamation.

WW. ACCEPT RESIGNATION – JOHN LOOS – OPEN SPACE ADVISORY COMMITTEE

Township Clerk Pellicane noted that Mr. Loos resigned from the Open Space Advisory Committee in June 2002; however, his written resignation was not received or accepted by Council until this time.

Upon a motion made, seconded and agreed, John Loos resignation from the Open Space Advisory Committee was accepted.

XX. NOMINATIONS – ONE (1) REGULAR MEMBER OF THE OPEN SPACE ADVISORY COMMITTEE TO FILL THE UNEXPIRED TERM OF JOHN LOOS – EXPIRING 12/31/03

Upon a motion made, seconded and agreed, this nomination was deferred to January 28, 2003.

03-040 RESOLUTION – APPOINTMENTS – YOUTH SERVICE COMMISSION MUNICIPAL ALLIANCE FOR PREVENTION OF SUBSTANCE ABUSE – JANUARY 1, 2003 TO DECEMBER 31, 2003

BE IT RESOLVED that the Township Council of the Township of Franklin does hereby appoint the following persons to the Youth Service Commission/Municipal Alliance for Prevention of Substance Abuse for one year terms beginning January 1, 2003 and expiring December 31, 2003:

General Public Representatives:

Bruce Medley
Teen Recreation
PO Box 6084 Somerset NJ 08873

Avis Price
General Public Member
1 Kaufman Street Somerset NJ

Jeffrey Green, Esquire
Municipal Court Judge
3 Denise Court Somerset NJ 08873

DeWayne Cruse, Executive Director
Franklin Twsp. Housing Authority
1 Parkside Street Somerset NJ

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Martha Camarda
General Public Member
22 Newkirk Road Somerset NJ 08873

Marie Thompson
County Liaison
322 Hillcrest Avenue Somerset NJ

William Major
General Public Member
740 New Brunswick Rd. Somerset NJ 08873

LaVern Staten-Sanders
General Public Member
PO Box 1255 Somerset NJ

Brian Reavy
Youth Administrator
168 JFK Boulevard Somerset NJ 08873

Dennis Sanders
General Public Member
126 Girard Avenue Somerset NJ

Ronnie Weiner
Somerset County Alliance
614 First Avenue Raritan NJ 08869

Phyllis Beal
General Public Member
Wild Flower Ridge Somerset NJ

Tony Marano
General Public Member
24 Bedford Road Somerset NJ 08873

Bruce McCracken
Fundraising Chairperson
15 Dahlia Road Somerset NJ

Doris Robinson, Director
ARISE
103 Coventry Circle Piscataway NJ 08854

Cheryl Ambrose
SCYS Representative
PO Box 3000 Somerville NJ

Orville Wilson, Principal
Franklin High School
415 Francis Street Somerset NJ 08873

Representatives of Police Department

Chief Craig R. Novick
Sergeant Richard A. Grammar
Detective Sean Hebbon

Motion was made by Mr. Mazzola and seconded by Deputy Mayor Grippo. Township Clerk Pellicane polled the Board, the vote being as follows:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>
Ms. Barrier	Mr. Levine	No One	No One
Mr. Chivukula	Mr. Mazzola		
Ms. Eberle	Mr. McKenzie		<u>ABSENT</u>
Mr. Grippo	Mr. Mettler		
	Mayor Sumter		No One

Motion was carried.

O3-042 RESOLUTION - APPOINTMENT - JOINT TOWNSHIP ADVISORY COMMITTEE FOR THE VILLAGE OF KINGSTON

BE IT RESOLVED that the Township Council of the Township of Franklin, County of Somerset in the State of New Jersey, in accordance with Chapter 29 of the Township Code does hereby appoint the following persons to the Joint Township Advisory Committee/Village of Kingston for three year terms expiring December 31, 2005:

Anna Zeman
Robert von Zumbusch
Janine Boire

Motion was made by Mr. Mazzola and seconded by Mr. Mettler. Township Clerk Pellicane polled the Board, the vote being as follows:

REGULAR MEETING – JANUARY 14, 2003

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>
Ms. Barrier	Mr. Levine	No One	No One
Mr. Chivukula	Mr. Mazzola		
Ms. Eberle	Mr. McKenzie		<u>ABSENT</u>
Mr. Grippo	Mr. Mettler		
	Mayor Sumter		No One

Motion was carried.

8. ORDINANCE INTRODUCTION - AMEND CODE – CHAPTER 3, ADMINISTRATION – SECTION 3-4, MEETINGS OF THE TOWNSHIP COUNCIL (AMEND AGENDA FOR REGULAR MEETINGS – COUNCIL COMMENTS AFTER PUBLIC DISCUSSION)

Township Clerk Pellicane read by title:

"AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN IN THE COUNTY OF SOMERSET AND STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 3, ADMINISTRATION – SECTION 3-4, MEETINGS OF THE TOWNSHIP COUNCIL – (AGENDA) " which is presented to Council for adoption on first reading, posting, publication in accordance with law for public hearing on February 11, 2003.

Mr. Chivukula so moved. Mr. Mazzola seconded the motion. Township Clerk Pellicane polled the Board, the vote being as follows:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>
Ms. Barrier	Mr. Levine	No One	No One
Mr. Chivukula	Mr. Mazzola		
Ms. Eberle	Mr. McKenzie		<u>ABSENT</u>
Mr. Grippo	Mr. Mettler		
	Mayor Sumter		No One

Motion was carried.

9. BODYWORK & SOMATIC THERAPY ESTABLISHMENTS – ADD NEW CHAPTER

Township Clerk Pellicane read by title:

"AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, TO ADD A NEW CHAPTER 161, MASSAGE, BODYWORK & SOMATIC THERAPY ESTABLISHMENTS" which is presented to Council for adoption on first reading, posting, publication in accordance with law for public hearing on February 11, 2003.

Mr. Mazzola so moved. Ms. Barrier seconded the motion. Township Clerk Pellicane polled the Board, the vote being as follows:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>
Ms. Barrier	Mr. Mazzola	Mr. Levine	No One
Mr. Chivukula	Mr. McKenzie		
Ms. Eberle	Mr. Mettler		
Mr. Grippo	Mayor Sumter		<u>ABSENT</u>
			No One

Motion was carried.

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Ms. Barrier noted that she is voting for introduction only and will give the ordinance further consideration before final adoption.

10. ORDINANCE INTRODUCTION – AMEND CODE – CHAPTER 127, FEES, - SECTION 127-1, AVAILABLE FROM THE TOWNSHIP CLERK – OFF-SITE CONDITIONS DISCLOSURE ACT MAPS/REPORTS

Township Clerk Pellicane read by title:

"ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 127, FEES – SECTION 127-1, AVAILABLE FROM THE TOWNSHIP CLERK" which is presented to Council for adoption on first reading, posting, publication in accordance with law for public hearing on February 11, 2003.

Mr. Chivukula so moved. Ms. Barrier seconded the motion. Township Clerk Pellicane polled the Board, the vote being as follows:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>
Ms. Barrier	Mr. Levine	No One	No One
Mr. Chivukula	Mr. Mazzola		
Ms. Eberle	Mr. McKenzie		<u>ABSENT</u>
Mr. Grippo	Mr. Mettler		
	Mayor Sumter		No One

Motion was carried.

11. ORDINANCE INTRODUCTION –AMEND CODE – CHAPTER 226, VEHICLES & TRAFFIC – SECTION 226-19, THROUGH STREETS (ROSE STREET); SECTION 226-20, STOP INTERSECTIONS (SYDNEY/ROSE INTERSECTION/RESCIND EXISTING STOP INTERSECTION, ROSE/PROSPECT)

Township Clerk Pellicane read by title:

"AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 226, VEHICLES & TRAFFIC – SECTION 226-19 THROUGH STREETS (ADD ROSE STREET) – SECTION 226-20, STOP INTERSECTIONS (DELETE PROSPECT STREET & ROSE STREET; ADD SYDNEY PLACE & ROSE STREET)" which is presented to Council for adoption on first reading, posting, publication in accordance with law for public hearing on February 11, 2003.

Mr. Chivukula so moved. Mr. McKenzie seconded the motion. Township Clerk Pellicane polled the Board, the vote being as follows:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>
Ms. Barrier	Mr. Levine	No One	No One
Mr. Chivukula	Mr. Mazzola		
Ms. Eberle	Mr. McKenzie		<u>ABSENT</u>
Mr. Grippo	Mr. Mettler		
	Mayor Sumter		No One

Motion was carried.

12. ORDINANCE INTRODUCTION –WAIVE DETENTION BASIN REGULATIONS FOR BARBIERI BUILDINGS, INC. (MORRISON ESTATES)

Township Clerk Pellicane read by title:

"AN ORDINANCE WAIVING THE REQUIREMENTS OF THE CODE OF THE TOWNSHIP OF FRANKLIN, SOMERSET COUNTY, NEW JERSEY, MORE

REGULAR MEETING – JANUARY 14, 2003

PARTICULARLY CHAPTER 112, DEVELOPMENT - SECTION 112-26, IMPROVEMENTS - SUBSECTION D, MAINTENANCE OF DETENTION/RETENTION BASINS - BARBIERI BUILDERS, INCORPORATED/MORRIS ESTATES” which is presented to Council on first reading, posting, publication in accordance with law for public hearing on February 11, 2003.

Mr. Chivukula so moved. Mr. McKenzie seconded the motion. Township Clerk Pellicane polled the Board, the vote being as follows:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>
Mr. Chivukula	Mr. McKenzie	Ms. Barrier	No One
Ms. Eberle	Mayor Sumter	Mr. Levine	
Mr. Grippo		Mr. Mazzola	<u>ABSENT</u>
		Mr. Mettler	No One

Motion was carried.

Mr. Mazzola and Mr. Levine noted that they are not comfortable with leaving the maintenance of the detention basin to homeowners, noting unsatisfactory situations in other similar cases.

13. ORDINANCE INTRODUCTION – AMEND CODE – CHAPTER 52, SALARIES & COMPENSATION – TOWNSHIP COUNCIL, PUBLIC DEFENDER, TOWNSHIP CLERK, OTHER EXEMPT EMPLOYEES

Township Clerk Pellicane read by title:

"AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 52, SALARIES & COMPENSATION – SECTION 52-3, ANNUAL BASE COMPENSATIONS FOR ELECTED AND APPOINTED EMPLOYEES/ORRICIALS (MAYOR, TOWNSHIP COUNCIL, TOWNSHIP CLERK, PUBLIC DEFENDER) – SECTION 52-4, ANNUAL COMPENSATION AND LONGEVITY FOR MANAGERIAL AND EXEMPT EMPLOYEES (ADJUST SALARY SCALE FIGURES; PURCHASING AGENT)" which is presented to Council for adoption on first reading, posting, publication in accordance with law for public hearing on February 11, 2003.

Mr. Chivukula so moved. Mr. Mazzola seconded the motion. Township Clerk Pellicane polled the Board, the vote being as follows:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>
Ms. Barrier	Mr. Levine	No One	No One
Mr. Chivukula	Mr. Mazzola		
Ms. Eberle	Mr. McKenzie		<u>ABSENT</u>
Mr. Grippo	Mr. Mettler		
	Mayor Sumter		No One

Motion was carried.

14. ORDINANCE INTRODUCTION – AMEND CODE – CHAPTER 112, DEVELOPMENT – CREATE HBD ZONE (HAMILTON STREET BUSINESS DISTRICT) AND ADOPT REGULATIONS THEREFOR

Township Clerk Pellicane read by title:

"AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, SOMERSET COUNTY, NEW JERSEY, MORE PARTICULARLY CHAPTER 112, DEVELOPMENT - SECTION 112-6, ZONING DISTRICTS, SECTION 112-8, GENERAL REGULATIONS, SECTION 112-9, SUPPLEMENTARY REGULATIONS, SUBSECTION 112-9B, CONDITIONAL USES, SUBSECTION F,

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PARKING, SUBSECTION G, SIGNS AND SUBSECTION I, LANDSCAPING AND BUFFER REQUIREMENTS (ADD NEW NBH – HAMILTON STREET BUSINESS DISTRICT ZONE AND PROVIDE REGULATIONS FOR SAME)" which is presented to Council for adoption on first reading, posting, publication in accordance with law for public hearing on February 11, 2003.

Ms. Barrier so moved. Mr. Chivukula seconded the motion.

Mr. Mazzola noted that he understands the goals leading up to this recommended ordinance revision but has questions:

- a. Memo from Frank Hasner, Economic Development Director, notes that “the new HBD district will allow typical retail uses as well as mixed retail and residential uses. The setback requirements will be more urban in design with buildings closer to the street and no parking in front of buildings”. Mr. Mazzola noted concern for pedestrian and bicycle access under the circumstances described.
- b. The memo indicates that as a Planning Board member, Mr. McKenzie questioned if the plan has been reviewed with businesses, and the response was that it has not. Mr. Mazzola questioned doing such a dramatic change without having the acknowledgement of the affected people.

Township Clerk Pellicane polled the Board, the vote being as follows:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>
Ms. Barrier	Mr. McKenzie	Mr. Levine	No One
Mr. Chivukula	Mr. Mettler	Mr. Mazzola	
Ms. Eberle	Mayor Sumter		
Mr. Grippo		<u>ABSENT</u>	
		No One	

Motion was carried.

15. ORDINANCE INTRODUCTION – AMEND LEASES – MEADOWS FOUNDATION – HAGEMAN FARM, WYCKOFF-GARRETSON HOUSE AND VAN-LIEW-SUYDAM HOUSE – OPEN SPACE GRANTS

Township Clerk Pellicane read by title:

"AN ORDINANCE AMENDING ORDINANCES AUTHORIZING LEASES WITH THE MEADOWS FOUNDATION, INCORPORATED, FOR UTILIZATION AS HISTORIC HOUSES AND PARKS" which is presented to Council for adoption on first reading, posting, publication in accordance with law for public hearing on February 11, 2003.

Mr. Chivukula so moved. Mr. Mazzola seconded the motion. Township Clerk Pellicane polled the Board, the vote being as follows:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>
Ms. Barrier	Mr. Levine	No One	No One
Mr. Chivukula	Mr. Mazzola		
Ms. Eberle	Mr. McKenzie		<u>ABSENT</u>
Mr. Grippo	Mr. Mettler		
	Mayor Sumter	No One	

Motion was carried.

Mr. Mettler questioned if the lease amendments are related to the Open Space Grants; Township Manager Daly responded that this is correct. Mr. Mettler noted that he has not received a response from Township Manager Daly on his question about how the Open Space

REGULAR MEETING – JANUARY 14, 2003

Committee solicited grant applications. Township Manager Daly responded that he will provide that information to Mr. Mettler.

16. ORDINANCE INTRODUCTION – BOND ORDINANCE – SUPPLEMENT BOND ORDINANCE #3007 - RENOVATION TO MUNICIPAL BUILDING – ADDITIONAL \$525,000.00

Township Clerk Pellicane read by title:

"BOND ORDINANCE AMENDING AND SUPPLEMENTING BOND ORDINANCE NUMBER 3007 HERETOFORE FINALLY ADOPTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP ON OCTOBER 14, 1998 ENTITLED, "BOND ORDINANCE PROVIDING FOR RENOVATIONS TO THE MUNICIPAL BUILDING IN, OF AND BY THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$720,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$685,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF," TO INCREASE THE APPROPRIATION BY \$525,000, THE AUTHORIZATION OF BONDS OR NOTES BY \$498,750 TO FINANCE PART OF THE ADDITIONAL COSTS THEREOF AND TO AMEND THE DESCRIPTION THEREOF" which is presented to Council for adoption on first reading, posting, publication in accordance with law for public hearing on February 11, 2003.

Mr. Chivukula so moved. Deputy Mayor Grippo seconded the motion.

Mr. Mazzola noted that Council is considering a request from the Library Board for additional funding for the library expansion and renovation and that, if this request is granted, funding will need to be reallocated from other capital projects. Mr. Mazzola requested that the Council hold the adoption of this ordinance authorizing the expenditure of capital monies until after a decision on the library funding has been made, anticipated for the January 26th Retreat. Mr. Levine concurred with Mr. Mazzola.

Mr. Chivukula suggested that, since the hearing on this ordinance is not scheduled until February 11th, which is after the Retreat, Council can defer the ordinance at that time.

Deputy Mayor Grippo concurred with Mr. Chivukula's suggestion and noted the need for Council to take care of both projects.

Township Clerk Pellicane polled the Board, the vote being as follows:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>
Ms. Barrier	Mr. Levine	No One	No One
Mr. Chivukula	Mr. Mazzola		
Ms. Eberle	Mr. McKenzie		<u>ABSENT</u>
Mr. Grippo	Mr. Mettler		
	Mayor Sumter		No One

Motion was carried.

17. ORDINANCE INTRODUCTION – BOND ORDINANCE – WATER EQUIPMENT & GIS MAPPING SOFTWARE - \$347,500.00

Township Clerk Pellicane read by title:

"BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF VARIOUS UTILITY VEHICLES, EQUIPMENT AND TOOLS AND THE ACQUISITION OF GIS UTILITY SOFTWARE TO IMPLEMENT GIS MAPPING SERVICES FOR THE WATER UTILITY OF THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$347,500 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$347,500 BONDS OR NOTES OF THE WATER UTILITY OF THE TOWNSHIP TO FINANCE THE COSTS THEREOF"

REGULAR MEETING – JANUARY 14, 2003

which is presented to Council for adoption on first reading, posting, publication in accordance with law for public hearing on February 11, 2003.

Mr. Chivukula so moved. Mr. Mazzola seconded the motion. Township Clerk Pellicane polled the Board, the vote being as follows:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>
Ms. Barrier	Mr. Levine	No One	No One
Mr. Chivukula	Mr. Mazzola		
Ms. Eberle	Mr. McKenzie		<u>ABSENT</u>
Mr. Grippo	Mr. Mettler		
	Mayor Sumter	No One	

Motion was carried.

18. ORDINANCE INTRODUCTION – BOND ORDINANCE – SUPPLEMENT BOND ORDINANCE #3155 AS AMENDED BY ORDINANCE #3228 – ACQUISITION OF OPEN SPACE – ADDITIONAL \$117,150.00

Township Clerk Pellicane read by title:

“BOND ORDINANCE AMENDING AND SUPPLEMENTING BOND ORDINANCE NUMBER 3155 HERETOFORE FINALLY ADOPTED ON SEPTEMBER 26, 2000, ENTITLED “BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF VARIOUS PARCELS OF LAND FOR OPEN SPACE PURPOSES, A LAWFUL PUBLIC PURPOSE, IN AND BY THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$8,000,000 FOR THE PAYMENT OF THE PURCHASE PRICE THEREFOR AND AUTHORIZING THE ISSUANCE OF \$7,600,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF”, AS AMENDED BY BOND ORDINANCE NUMBER 3183 FINALLY ADOPTED DECEMBER 12, 2000, AS AMENDED BY BOND ORDINANCE NUMBER 3228 FINALLY ADOPTED JUNE 28, 2001, TO APPROPRIATE AN ADDITIONAL \$171,150 FOR THE IMPROVEMENT SET FORTH THEREIN, TO AUTHORIZE THE ISSUANCE OF AN ADDITIONAL \$163,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF AND TO AMEND PART OF THE DESCRIPTION THEREOF” which is presented to Council for adoption on first reading, posting, publication in accordance with law for public hearing on February 11, 2003.

Mr. Chivukula so moved. Deputy Mayor Grippo seconded the motion. Township Clerk Pellicane polled the Board, the vote being as follows:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>
Ms. Barrier	Mr. Levine	No One	No One
Mr. Chivukula	Mr. Mazzola		
Ms. Eberle	Mr. McKenzie		<u>ABSENT</u>
Mr. Grippo	Mr. Mettler		
	Mayor Sumter	No One	

Motion was carried.

Council took a brief recess from 7:58 p.m. to 8:08 p.m. will all members returning.

COMMUNITY DEVELOPMENT BLOCK GRANT HEARING - 8:12 P.M.

Bonnie von Ohlen, Township Grants Coordinator, presented an overview of the 2003 CDBG Program.

**FRANKLIN TOWNSHIP
Community Development Block Grant (CDBG) Program
2003 Program Year**

REGULAR MEETING – JANUARY 14, 2003**Program Overview**

- **The Township is in the process of planning its Second Community Development Block Grant (CDBG) Action Plan.** The Township qualifies as a CDBG entitlement block grant to develop viable urban communities. The US Department of HUD awards the grant to the Township to carry out a wide range of community and economic development activities.
- **The preliminary estimate of the Township's CDBG entitlement this federal fiscal year (beginning October 2002) is \$388,000.**
- Eligible activities must either benefit low/moderate income persons directly (i.e. housing rehabilitation program, public services) or benefit an area where a majority of the residents are low and moderate income.
- The program year will start September 1, 2003.

Eligible Activities

CDBG is primarily a bricks and mortar program. The regulations are the same as Somerset County's program which most of you are familiar with. Funds may be used for the following activities, which include, but are not limited to:

- acquisition of real property;
- relocation and demolition;
- rehabilitation of residential and non-residential structures;
- construction of public facilities and improvements, such as water and sewer facilities, streets, neighborhood centers, and the conversion of school buildings for eligible purposes;
- public services, within a 15% cap;
- activities relating to energy conservation and renewable energy resources; and
- provision of assistance to profit-motivated businesses to carry out economic development and job creation/retention activities.

Action Plan Development

The Township has developed a 3-Year Strategic Plan that describes the needs, resources, priorities and proposed activities to be undertaken with CDBG funds. An Action Plan must be prepared outlining the specific activities that will be funded this year. Over the next few months the Township will prepare an Action Plan for submission to HUD this July 2003. A schedule has been distributed.

Citizen Participation Plan

The Township developed a Citizen Participation Plan which provides for, and encourages, citizen participation and which emphasizes participation by persons of low- or moderate-income, particularly residents of predominantly low- and moderate-income neighborhoods, slum or blighted areas, and areas in which the grantee proposes to use CDBG funds. The plan must provide citizens with access to local meetings, an opportunity to review proposed activities and program performance and provide for timely written answers to written complaints and grievances.

Hearings are advertised in the Courier-News as a legal ad and in the Home News as a Display Ad. Information is also mailed to the other newspapers and the radio station. We also maintain a mailing list for any interested persons and organizations to be notified by mail. Program notices and the application are available on the Township's web site. Notices are posted at the Municipal Building and the Library.

The attached schedule outlines the timetable to plan the program year.

**2003
COMMUNITY DEVELOPMENT BLOCK GRANT
SCHEDULE**

January 7, 2003

Applications Available

REGULAR MEETING – JANUARY 14, 2003

January 14, 2003	Public Hearing
January – March 2003	Technical Assistance to Applicants
March 18, 2003	Applications Due
March 25, 2003	Second Public Hearing
April 22, 2003	Council approves Action Plan
May 2003	Review period for Action Plan (30 days)
July 15, 2003	Consolidated Plan (Strategic and Action Plans) submitted to HUD
September 1, 2003	Program Year begins

Deputy Mayor Grippo questioned the ranges of monies available to non-profits. Ms. von Ohlen responded that while there is no limit, last year's grants were between \$30,000 and \$50,000.

Upon a motion made, seconded and agreed, the meeting was opened for public discussion on the Program.

John Grosso, 61 Hollywood Avenue questioned if grant money will be available for senior citizen buses. Ms. von Ohlen responded that application has been made for a special grant from NJ Transit for this purpose and that the CDBG category in which buses fall is community services which is capped at 50% and has many competing organizations.

Upon a motion made, seconded and agreed, the CDBG Hearing was closed.

REGULAR MEETING OF THE TOWNSHIP COUNCIL
TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, NEW JERSEY
JANUARY 14, 2003 – 8:00 P.M.

The Regular Meeting of the Township Council of the Township of Franklin, County of Somerset, New Jersey, held at 475 DeMott Lane, Somerset, was called to order by the Mayor at 8:00 P.M.

The Mayor read a statement indicating all requirements of P.L. 1975, Chapter 231 (The Open Public Meeting Act) had been met.

The Mayor led the entire assembly in the Pledge of Allegiance.

The invocation was given by Mayor Sumter.

The Township Clerk called the roll.

REGULAR MEETING – JANUARY 14, 2003

Present: Mayor Sumter, Deputy Mayor Grippo, Ms. Barrier, Mr. Chivukula, Ms. Eberle, Mr. Levine, Mr. Mazzola, Mr. McKenzie, Mr. Mettler

Absent: No One

Also Present: Louis N. Rainone, Esq., Township Attorney, Kenneth W. Daly, Township Manager, Jean C. Pellicane, RMC, Township Clerk

MINUTES –

WORK SESSION – 11/26/02 & 12/03/02

REGULAR MEETING – 12/10/03

WORK SESSION/REGULAR MEETING – 11/26/02

EXECUTIVE SESSION – 11/26/02 & 12/10/02

Motion was made by Mr. Chivukula and seconded by Mr. Levine to approve the Minutes as listed above. Township Clerk Pellicane polled the Board, the vote being as follows:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>
Ms. Barrier	Mr. Levine	No One	No One
Mr. Chivukula	Mr. Mazzola		
Ms. Eberle	Mr. McKenzie		<u>ABSENT</u>
Mr. Grippo	Mr. Mettler		
	Mayor Sumter		No One

Motion was carried.

6. WARRANTS – JANUARY 14, 2003

Read by Township Clerk Pellicane

1	Current Fund	9,565,328.62
5	Water Operating	16,028.08
6	Water Capital	74,992.75
4	General Capital	75,065.11
15	General Trust	1,700.00
18	Self Insurance Trust Fund	412.50
21	Recreation Trust	334.66
12	Open Space Trust	7,738.00
2	Grant Fund	43,971.38
17	Workers' Compensation	613.04
	Unemployment Trust	0
	Employee Payroll Deduction	0
3	Collector Trust	62,148.89
14	Dog Revenue	27.00
	Community Foundation	0
22	Payroll	0
13	Redevelopment Agency	454.90
23	Agency	<u>7.78</u>
	SUB-TOTAL	9,848,822.71
25	Escrow Account	59,666.73
19	Voided Checks	0
20	Adjustments	
	GRAND TOTAL	<u>\$9,908,489.44</u>

Motion was made by Mr. Chivukula and seconded by Mr. McKenzie to approve the Warrants. Township Clerk Pellicane polled the Board, the vote being as follows:

REGULAR MEETING – JANUARY 14, 2003

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>
Ms. Barrier	Mr. Levine	No One	No One
Mr. Chivukula	Mr. Mazzola		
Ms. Eberle	Mr. McKenzie		<u>ABSENT</u>
Mr. Grippo	Mr. Mettler		
	Mayor Sumter		No One

Motion was carried.

COMMENDATION - YVONNE CEASER, LIBRARY EMPLOYEE**Read by Deputy Mayor Grippo**

WHEREAS, YVONNE CEASER has been employed by the Franklin Township Public Library for twenty seven (27) years; and

WHEREAS, during this tenure, Yvonne Ceaser has been a valuable asset to the Franklin Township Library, serving the residents of the Township personally and professionally, particularly through her contributions to children and young adult services; and

WHEREAS, Yvonne Ceaser has displayed outstanding storytelling abilities resulting in a large contingency of fans among our children; and

WHEREAS, Yvonne Ceaser has tendered her resignation from the staff of the Franklin Township Public Library to pursue another career as Head of Children Services at the East Orange Public Library;

NOW, THEREFORE, I, WILLIS RICKEY SUMTER, MAYOR of the Township of Franklin, County of Somerset, State of New Jersey, on behalf of the Township Council, residents of the Township, and the many residents who have enjoyed and benefited from programs she has fostered as an employee of the Franklin Township Public Library, do hereby commend and thank

YVONNE CEASER

for her services to our community and do wish her success and happiness in all her future endeavors.

Commendation was presented to Yvonne Ceaser by Mayor Sumter.

COMMENDATION - DENNIS BOTT, ROBERT BROZYNA AND FRANCIS KILONZO – RESCUERS OF VICTIMS, ROUTE 287 ACCIDENT**Read by Deputy Mayor Grippo**

WHEREAS, on November 20, 2002, at approximately 2:35 pm a serious motor vehicle accident occurred on Interstate 287 near the Weston Canal Road entrance ramp, involving four passenger vehicles and a tractor-trailer and resulting in the immediate deaths of two people when the vehicle in which they were riding exploded upon impact with the tractor-trailer; and

WHEREAS, as a result of this chain reaction crash, an 82 year old man was critically injured and trapped in his vehicle and three passing motorists stopped to render aid to the injured parties; and

WHEREAS, with the vehicle that had exploded still completely engulfed in flames, the three men risked their own lives, cut off the man's seatbelt and pulled him out through the driver's window and away from the vehicle, immediately before this vehicle also became engulfed in flames that surely would have taken his life;

NOW, THEREFORE, I, WILLIS RICKEY SUMTER, MAYOR of the Township of Franklin in the County of Somerset, State of New Jersey, on behalf of our citizens, police

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officers and the many motorists who traverse our community daily on our Interstate and State roads, do hereby commend

**DENNIS BOTT
ROBERT BROZYNA
FRANCIS KILONZO**

for their selfless actions, quick thinking and response and thank them for the life that would have been lost without their courageous actions.

Commendations were presented by Mayor Sumter.

8. ORDINANCE HEARING – AMEND CODE – CHAPTER 112, DEVELOPMENT – SECTION 112-5, DEFINITIONS – SECTION 112-24 & 112-35 – CERTIFIED LOCAL GOVERNMENT DESIGNATION FOR HISTORIC PRESERVATION COMMISSION

Township Clerk Pellicane noted that at the January 7, 2003 Work Session, Council determined to create a subcommittee to study this ordinance, and the ordinance was deferred until such subcommittee has completed its review.

9. ORDINANCE HEARING – AMEND CODE – CHAPTER 112, DEVELOPMENT – SECTION 112.32.04- RENAISSANCE 2000 REDEVELOPMENT PLAN – NBR UNDERLYING ZONE

Township Clerk Pellicane noted that the public hearing was carried from November 12, 2002.

Motion was made by Mr. Chivukula and seconded by Ms. Barrier to open the public hearing; the motion was carried unanimously.

The Mayor then asked for persons desiring to speak to give their names and addresses to the Clerk.

Frank Hasner, Economic Development Director, advised Council that business owners registered complaints about missed opportunities to sell their businesses to other businesses because the area was zoned for senior housing or institutional use. After looking at the uses in the area, those existing uses were put into the overlay zone to allow either uses to be used.

Kimberly Francois, 14 Norris Road, member of the Franklin Township Redevelopment Agency and Mayor during the time the redevelopment plan was formulated, noted that one intent of the redevelopment plan was to discourage speculators from buying and improving the properties in the redevelopment area and thus increasing the cost of those properties should the Township need to acquire them through eminent domain. The project has taken many more years than it should have, preventing properties from being sold because of the zoning. The adoption of this underlay zoning ordinance will help the property owners, not the Township.

Michael Gianotto, 32 Buffa Drive and Richard Barber, 11 Seeleys Run, members of the Franklin Township Redevelopment Agency, spoke in favor of adoption of the ordinance and noted that it is beneficial to the property owners in the zone.

The following persons spoke in favor of adoption of the ordinance: Thomas Vislocky, 60 McGuffy Avenue, Theodore Barmbatsis, resident of North Brunswick/owner of property at 659 Somerset St.; Stephanie Farrier, representing First Baptist Church Community Development Corp; Harold Weber, 115 Culver Street and owner of property on Somerset St.

Courtney Throckmorton, 591 Somerset St. spoke in objection to adoption of the ordinance:

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- a. The adoption of the redevelopment plan has caused the lack of development on the Franklin side of Route 27.
- b. This area is not appropriate for redevelopment as high density, low income and senior housing.
- c. The redevelopment plan encourages the development of businesses that are not going to be allowed to stay since the underlay zoning is temporary and the properties could still be subjected to redevelopment.

Bill Koncar, representing Buist Inc., 28 Voorhees Avenue, noted objection to the underlying zone ordinance because of its sunset provision. Council and Township Attorney Rainone discussed the public perception that the underlying zone is temporary based on language in Section I, “In order to allow existing property owners to utilize their property while the redevelopment plan is being implemented...” Township Attorney Rainone advised that the underlying zone is not temporary, the redevelopment plan is temporary and remains in effect for only 30 years. At the end of the 30-year period, the redevelopment plan will cease but the underlying zoning proposed by this ordinance will remain as the zoning for these properties. Language to clarify this question will be added to the ordinance.

Motion was made by Deputy Mayor Grippo and seconded by Mr. Mettler to close the public hearing; motion was carried unanimously.

Council took a brief recess at 9:12 p.m. Meeting resumed at 9:22 p.m. with the roll being called:

Present: Mayor Sumter, Deputy Mayor Grippo, Ms. Barrier, Mr. Chivukula, Ms. Eberle, Mr. Levine, Mr. McKenzie, Mr. Mettler. Mr. Mazzola was absent at roll call but returned to the dais immediately thereafter.

Absent: No One

Township Attorney Rainone suggested a minor amendment to the ordinance to clarify the permanence of the underlying zone which is not substantive and can be adopted at this hearing:

Section 112-32.04, Subsection I, and Use Plan, Paragraph 1, Relationship of Plan to the Township Land Development Regulations, last paragraph be amended to read:

“In order to allow existing property owners to utilize their property while the redevelopment plan is being implemented, an Underlying Zone Plan as set forth on the attached map entitled “Renaissance Redevelopment Area, Underlying Zoning Plan”, prepared April 2002 and revised August 2002 is adopted. The permitted uses, bulk standards, and design standards applicable to this underlying zone can be used until ***if and when*** ~~such time as~~ a redevelopment project is proposed and implemented. The standards of this underlying zone are added as Section 32.04(10) of this section ***and shall remain in effect following the expiration of the redevelopment plan.***

Ms. Barrier moved to amend the ordinance as suggested. Mr. Grippo seconded the motion. The Township Clerk polled the Council, the vote being as follows:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>
Ms. Barrier	Mr. Levine	No One	No One
Mr. Chivukula	Mr. Mazzola		
Ms. Eberle	Mr. McKenzie		<u>ABSENT</u>
Mr. Grippo	Mr. Mettler		
	Mayor Sumter		No One

Motion was carried.

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Mr. Levine and Mr. Grippo noted their approval of a mechanism to resolve the problems faced by the property owners in the redevelopment areas.

Mr. Mazzola concurred but noted the need for in-depth discussion by Council on methods to assist those businesses which want to stay in the area because their customers are there, provide information on where businesses would be relocated to if that became necessary, assist property owners to sell their property if they wish, and to return to the original intent of the redevelopment plan to rehabilitate and help businesses already here.

Ms. Barrier concurred with Mr. Mazzola, noted that she is convinced that people here who want to stay have to be protected and worked into any redevelopment plan since they have invested their lives, monies and energies into our town. Ms. Barrier noted that she is going to vote for the proposed ordinance because it is a positive step in returning the rights to the property owners but it is not a cure-all for other problems and concerns.

Mr. Mettler noted his intention to vote for the ordinance but his concern about the direction the redevelopment process is taking as it involves municipal properties and functions which the Council has learned about through the newspapers. Questions remain as to where the mini-dump and salt dome can be relocated without impacting other properties. On the issue of permanence, nothing is permanent. Most properties are not zoned today as they were in 1958, and it is important for residents and property owners to keep eye out to changes.

Motion was made by Deputy Mayor Grippo and seconded by Ms. Barrier to adopt as amended and publish notice of final passage in accordance with law.

The Clerk polled the Board, the vote being as follows:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>
Ms. Barrier	Mr. Levine	No One	No One
Mr. Chivukula	Mr. Mazzola		
Ms. Eberle	Mr. McKenzie		<u>ABSENT</u>
Mr. Grippo	Mr. Mettler		
	Mayor Sumter	No One	

Motion was carried.

10. ORDINANCE HEARING – AMEND CODE – CHAPTER 226, VEHICLES & TRAFFIC – SECTION 226-30, ON-STREET HANDICAPPED PARKING – 228 HILLCREST AVENUE & 113 BROOKLINE AVENUE

Township Clerk Pellicane read by title:

"AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 226 – VEHICLES AND TRAFFIC – SECTION 226-30 (ON-STREET HANDICAPPED PARKING SPACE (ADD 113 BROOKLINE AVENUE AND 228 HILLCREST AVENUE)". Township Clerk Pellicane noted that the Township Attorney has approved the Affidavit of Publication and that a public hearing on the ordinance is in order.

Motion was made by Mr. Chivukula and seconded by Ms. Barrier to open the public hearing; the motion was carried unanimously.

The Mayor then asked for persons desiring to speak to give their names and addresses to the Clerk.

No one from the public spoke.

Motion was made by Ms. Barrier and seconded by Deputy Mayor Grippo to close the public hearing; motion was carried unanimously.

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Motion was made by Mr. Chivukula and seconded by Mr. Levine to adopt and publish notice of final passage in accordance with law.

The Clerk polled the Board, the vote being as follows:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>
Ms. Barrier	Mr. Levine	No One	No One
Mr. Chivukula	Mr. Mazzola		
Ms. Eberle	Mr. McKenzie		<u>ABSENT</u>
Mr. Grippo	Mr. Mettler		
	Mayor Sumter		No One

Motion was carried.

11. ORDINANCE HEARING – LEASE – TRAP ROCK INDUSTRIES – COMMUNICATIONS EQUIPMENT

Township Clerk Pellicane read by title:

"AN ORDINANCE AUTHORIZING A LEASE AMENDMENT FOR CERTAIN PREMISES OWNED BY TRAP ROCK INDUSTRIES, INCORPORATED, TO THE TOWNSHIP OF FRANKLIN IN THE COUNTY OF SOMERSET AND STATE OF NEW JERSEY FOR THE INSTALLATION OF COMMUNICATIONS ANTENNA AND TRANSMISSION LINE/RECEIVING EQUIPMENT". Township Clerk Pellicane noted that the Township Attorney has approved the Affidavit of Publication and that a public hearing on the ordinance is in order.

Motion was made by Mr. Mazzola and seconded by Mr. Mettler to open the public hearing; the motion was carried unanimously.

The Mayor then asked for persons desiring to speak to give their names and addresses to the Clerk.

No one from the public spoke.

Motion was made by Ms. Barrier and seconded by Deputy Mayor Grippo to close the public hearing; motion was carried unanimously.

Motion was made by Mr. Chivukula and seconded by Ms. Barrier to adopt and publish notice of final passage in accordance with law.

The Clerk polled the Board, the vote being as follows:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>
Ms. Barrier	Mr. Levine	No One	No One
Mr. Chivukula	Mr. Mazzola		
Ms. Eberle	Mr. McKenzie		<u>ABSENT</u>
Mr. Grippo	Mr. Mettler		
	Mayor Sumter		No One

Motion was carried.

12. ORDINANCE HEARING – AMEND CODE – CHAPTER 112, DEVELOPMENT – SECTION 112-9A(3), KEEPING LIVESTOCK AND BEES

Township Clerk Pellicane read by title:

"AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, SOMERSET COUNTY, NEW JERSEY, MORE PARTICULARLY CHAPTER 112, DEVELOPMENT – SECTION 112-9, SUPPLEMENTARY

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REGULATIONS – SUB-SECTION 9A(3), KEEPING OF LIVESTOCK AND BEES (ADD CP ZONE)". Township Clerk Pellicane noted that the Township Attorney has approved the Affidavit of Publication and that a public hearing on the ordinance is in order.

Motion was made by Mr. Chivukula and seconded by Deputy Mayor Grippo to open the public hearing; the motion was carried unanimously.

The Mayor then asked for persons desiring to speak to give their names and addresses to the Clerk.

No one from the public spoke.

Motion was made by Deputy Mayor Grippo and seconded by Mr. Mettler to close the public hearing; motion was carried unanimously.

Motion was made by Mr. Chivukula and seconded by Mr. Mazzola to adopt and publish notice of final passage in accordance with law.

The Clerk polled the Board, the vote being as follows:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>
Ms. Barrier	Mr. Levine	No One	No One
Mr. Chivukula	Mr. Mazzola		
Ms. Eberle	Mr. McKenzie		<u>ABSENT</u>
Mr. Grippo	Mr. Mettler		
	Mayor Sumter		No One

Motion was carried.

13. ORDINANCE HEARING – ACCEPT DEEDS – PIZZO/MINDEL/EASTERN HILL LLC

Township Clerk Pellicane read by title:

"AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, AUTHORIZING ACCEPTANCE FROM EASTERN HILL, LLC (PIZZO & PIZZO) OF CONSERVATION EASEMENTS (6) & DEED OF DEDICATION (1)". Township Clerk Pellicane noted that the Township Attorney has approved the Affidavit of Publication and that a public hearing on the ordinance is in order.

Motion was made by Mr. Mazzola and seconded by Mr. Levine to open the public hearing; the motion was carried unanimously.

The Mayor then asked for persons desiring to speak to give their names and addresses to the Clerk.

No one from the public spoke.

Motion was made by Mr. Mettler and seconded by Mr. McKenzie to close the public hearing; motion was carried unanimously.

Motion was made by Ms. Barrier and seconded by Mr. Mazzola to adopt and publish notice of final passage in accordance with law.

The Clerk polled the Board, the vote being as follows:

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<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>
Ms. Barrier	Mr. Levine	No One	No One
Mr. Chivukula	Mr. Mazzola		
Ms. Eberle	Mr. McKenzie		<u>ABSENT</u>
Mr. Grippo	Mr. Mettler		
	Mayor Sumter		No One

Motion was carried.

14. ORDINANCE HEARING – AMEND CODE – CHAPTER 3, ADMINISTRATION – CHANGE NAME OF CODE ENFORCEMENT DIVISION TO CONSTRUCTION CODE ENFORCEMENT DIVISION

Township Clerk Pellicane read by title:

"AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 3, ADMINISTRATION – ARTICLE IV, LAND USE AND ENFORCEMENT – CHANGE CODE ENFORCEMENT DIVISION TO CONSTRUCTION CODE DIVISION". Township Clerk Pellicane noted that the Township Attorney has approved the Affidavit of Publication and that a public hearing on the ordinance is in order.

Motion was made by Deputy Mayor Grippo and seconded by Ms. Barrier to open the public hearing; the motion was carried unanimously.

The Mayor then asked for persons desiring to speak to give their names and addresses to the Clerk.

No one from the public spoke.

Motion was made by Deputy Mayor Grippo and seconded by Mr. McKenzie to close the public hearing; motion was carried unanimously.

Motion was made by Mr. Chivukula and seconded by Mr. Levine to adopt and publish notice of final passage in accordance with law.

The Clerk polled the Board, the vote being as follows:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>
Ms. Barrier	Mr. Levine	No One	No One
Mr. Chivukula	Mr. Mazzola		
Ms. Eberle	Mr. McKenzie		<u>ABSENT</u>
Mr. Grippo	Mr. Mettler		
	Mayor Sumter		No One

Motion was carried.

15. ORDINANCE HEARING – AMEND CODE – CHAPTER 112, DEVELOPMENT – REZONING ELIZABETH AVENUE/GRANT STREET

Township Clerk Pellicane read by title:

"AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 112, DEVELOPMENT – SECTION 112-6, ZONING DISTRICTS – PORTION OF BLOCK 502 – ELIZABETH AVENUE/ROUTE 287/DAVIDSON AVENUE FROM CB (CORPORATE BUSINESS) TO M-2 (LIGHT MANUFACTURING)". Township Clerk Pellicane noted that the Township Attorney has approved the Affidavit of Publication and that a public hearing on the ordinance is in order.

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Motion was made by Mr. Mazzola and seconded by Deputy Mayor Grippo to open the public hearing; the motion was carried unanimously.

The Mayor then asked for persons desiring to speak to give their names and addresses to the Clerk.

No one from the public spoke.

Motion was made by Deputy Mayor Grippo and seconded by Ms. Barrier to close the public hearing; motion was carried unanimously.

Motion was made by Mr. Chivukula and seconded by Mr. Mazzola to adopt and publish notice of final passage in accordance with law.

The Clerk polled the Board, the vote being as follows:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>
Ms. Barrier	Mr. Levine	No One	No One
Mr. Chivukula	Mr. Mazzola		
Ms. Eberle	Mr. McKenzie		<u>ABSENT</u>
Mr. Grippo	Mr. Mettler		
	Mayor Sumter	No One	

Motion was carried.

16. ORDINANCE HEARING – AMEND CODE – CHAPTER 226, VEHICLES & TRAFFIC – SECTION 227-19, THROUGH STREETS (CEDAR AVENUE, MAPLE AVENUE, MARCY STREET, THOMAS ROAD AND FORDHAM ROAD); SECTION 226-20, STOP INTERSECTIONS (NASSAU AVENUE & GRIGGS STREET) NASSAU AVENUE & FORT STREET; NORFOLK ROAD & DARWIN ROAD)

Township Clerk Pellicane read by title:

"AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 226, VEHICLES & TRAFFIC – SECTION 226-19, THROUGH STREETS (ADD CEDAR AVENUE; MAPLE AVENUE; MARCY STREET; THOMAS ROAD & FORDHAM ROAD) – SECTION 226-20, STOP INTERSECTIONS (NASSAU AVENUE & GRIGGS STREET; NASSAU AVENUE & FORT STREET; NORFOLK ROAD & DARWIN ROAD)". Township Clerk Pellicane noted that the Township Attorney has approved the Affidavit of Publication and that a public hearing on the ordinance is in order.

Motion was made by Mr. Mazzola and seconded by Ms. Barrier to open the public hearing; the motion was carried unanimously.

The Mayor then asked for persons desiring to speak to give their names and addresses to the Clerk.

No one from the public spoke.

Motion was made by Ms. Barrier and seconded by Mr. Chivukula to close the public hearing; motion was carried unanimously.

Motion was made by Mr. Chivukula and seconded by Mr. Mazzola to adopt and publish notice of final passage in accordance with law.

The Clerk polled the Board, the vote being as follows:

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<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>
Ms. Barrier	Mr. Levine	No One	No One
Mr. Chivukula	Mr. Mazzola		
Ms. Eberle	Mr. McKenzie		<u>ABSENT</u>
Mr. Grippo	Mr. Mettler		
	Mayor Sumter	No One	

Motion was carried.

17. PUBLIC DISCUSSION

Motion was made by Mr. Mazzola and seconded by Ms. Barrier to open the meeting for public discussion; motion was carried unanimously.

Mayor Sumter asked that persons who desired to speak give their names and addresses to the Township Clerk.

The following persons, members of the Friends of the Library, spoke in favor of the Township Council's support of the funding of the library expansion and renovation to the fullest extent and noted their \$100,000 contribution to the renovations and \$20,000 to \$25,000 annual contributions to library operations: Barbara Lawrence, 383 South Middlebush Road, Tracey Costanza, 15 Westlake Court; Florence Van Pelt, 31 Hillview Avenue, and Marie Thompson, 320 Hillcrest Avenue.

Florence Van Pelt, 31 Hillview Avenue spoke in support of development of the skateboard park and questioned if Consent Agenda Items E and M regarding a \$10,000 grant for the Middlebush Village deal with two separate grants. Township Manager Daly responded that there is only one grant but the resolutions provide two different actions with same money.

John McConville, 5 Stoneleigh Way, also a Friend of the Library, supported the expansion/renovation of the Library for the original funding but objected to the additional \$1.8 funding requested and noted problems reported in the newspaper experienced by other municipalities in rejecting the low bidder on projects despite legal and ethical problems.

John Grosso, 61 Hollywood Avenue:

1. Supported the library expansion/renovation at the original \$6.4 cost.
2. Noted the \$50,000 cost for the design of animal shelter expansion and suggested that this capital project be eliminated.
3. Noted the need for improved planning to eliminate new developments being created with no through streets to facilitate the additional traffic they will generate, and without contributions towards educating the children they will produce.

Lucretia Cortelyou, 1892 Amwell Road:

1. Congratulated Mayor Sumter and Deputy Mayor Grippo on their appointments.
2. Noted the need for press coverage of Township actions and activities, not sufficiently addressed by press releases.
3. Objected to the devastation of wooded areas by Canal Walk and other developments in that area and the need for developers to replace trees they remove.
4. Commended the Somerset Spectator for the excellent newspaper delivered to residents last Saturday.

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Courtney Throckmorton, 591 Somerset Street, reiterated his objections to the Renaissance 2000 Redevelopment Plan, its impact on existing commercial uses, questioned its suitability for housing uses and the ability of existing small commercial uses to compete with major commercial uses which will bring in tremendous traffic and not contribute to the community.

Tom Reilly, 102 Walnut Avenue, noted that the Township's Board of Education should be under Township Council jurisdiction rather than elected.

Motion was made by Deputy Mayor Grippo and seconded by Mr. McKenzie to close the public portion of the meeting; motion was carried unanimously.

18. RESOLUTION - CONSENT AGENDA**Read by Township Clerk Pellicane**

The items listed within the Consent Agenda portion of this meeting have been referred to the Township Council for reading and study, are considered routine and will be enacted by one motion of the Township Council with no separate discussion. If separate discussion is required, the item may be removed from the agenda by request of a Township Council member and placed on the regular agenda.

Mr. Levine requested that Resolution D be removed from the Consent Agenda for separate consideration. Mr. Mazzola requested that Resolution J be removed from the Consent Agenda for separate consideration. Council concurred.

A. Tax Title Lien Redemptions:

Mercado – Block 20.04/Lot 11.01, C3903 - \$439.39 – 5 Balboa Lane
 Jennings – Block 34.05/Lot 52.05C214 - \$325.22 – 20-214 DeLar Parkway
 Colon – Block 34.09/Lot 59.02 C0501 - \$600.00 – 117 Sapphire Lane
 Fernandez – Block 76/Lot 10.01 - \$19,735.36 – 1860 Amwell Road
 Gaines – Block 85/Lot 56.03 C0179 - \$524.87 – 179 Kingsberry Drive (2001)
 Gaines – Block 85/Lot 56.03 C0179 - \$329.60 – 179 Kingsberry Drive (2000)
 Beason – Block 147/Lot 27 - \$425.07 – 123 Victor Street (2001)
 Beason – Block 147/Lot 27 - \$3,143.04 – 123 Victor Street (2002)
 Burton – Block 155/Lot 1 - \$359.85 – 60 Newport Avenue (1999)
 Burton – Block 155/Lot 1 - \$16,151.15 – 60 Newport Avenue (2001)
 Burton – Block 155/Lot 1 - \$1,306.19 – 60 Newport Avenue (2002)
 Adkinson – Block 161/Lot 38 - \$1,810.91 – 53 Eugene Avenue
 Jazuez – Block 174/Lot 57 - \$9,239.48 – 121 Henry Street
 Brown – Block 179/Lot 33 - \$1,621.20 – 28 Meister Street
 Harris – Block 346/Lot 40 - \$6,335.18 – 146 Warrant Street
 Gorelick – Block 528.06/Lot 24 - \$127.60 – 105 Ethel Street

B. Tax Overpayments – Various**C. Water Overpayment – Onque****~~D. Adjust Water Charges – First Industrial (Deferred from 12/10) Removed from Consent Agenda~~****E. Budget – FY2003 Insertion in Budget – NJ Historical Commission Grant – Middlebush Village Historic District Nomination - \$10,000.00****F. Bid Award – Lee Supply Company – Water Works Supplies - \$3,312.40****G. Bid Award Amendment – Kennedy Culvert & Supply Co. and Griffin Pipe – Water Works Supplies – 11/1/01 to 10/30/03 – from \$5,000.00 annually to \$60,000.00 annually**

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- H. Purchase – Expanets, Inc. – Equipment to provide voice and data to 12 Berry Street - \$12,101.25 – State Contract
- I. Purchase/EUS – Central Jersey Joint Insurance Fund – 1st Installment of Semi-Annual Payment for Liability Insurance - \$284,372.65
- J. ~~Agreement – Barbieri Builders, Inc./Morrison Estates – Block 11.01/Lots 15 & 16 – Developers Agreement/Detention Basin~~ – Removed from Consent Agenda
- K. Agreement – Somerset County – Recycling Services - 2003
- L. Agreement – Somerset County – Public Health Preparedness and Response to Bioterrorism, Outbreaks of Infection Disease and Other Public Health Threats and Emergencies – Interlocal Services
- M. Grant Agreement – NJ Historical Commission – Middlebush Village Historic District Nomination - \$10,000.00
- N. Grant Application – NJ Safe and Secure Communities Program – Two Police Positions - \$60,000.00
- O. Escrow Release – Plan Review:
 Raceway Petroleum – Docket #PLN2002-0008 - \$1,325.00 & \$1,845.00
 Raymond Gugliotta – Docket #ZBA2001-0051 - \$429.73 & \$2,631.25
 Chauncey Assoc. – Docket #PLN2001-0060 - \$2,580.00
 Sean Tierney – Docket #ZBA2002-0007 - \$1,330.00
- P. Escrow Release – Construction Water Meters:
 Jones – Blythe – \$715.00
 Rainbow – G & J - \$715.00
- Q. Performance Guarantee Reduction – Raymond Gugliotta – Docket #ZBA2001-0051 – 1685 Amwell Road – from \$116,040.00 to \$59,040.00
- R. Performance Guarantee Release/Accept Streets – Eastern Hill, LLC (Pizzo & Pizzo/ Tract A – Site Improvements \$329,542.99 – Charles Street & Gauguin Way
- S. Performance Guarantee Release – Eastern Hill, LLC (Pizzo & Pizzo/Tract A – Walking Trail – Docket #P97056SPF – \$5,378.40
- T. Performance Guarantee Release – Eastern Hill, LLC (Pizzo & Pizzo/Tract A – Surface Course/Driveways – Docket #P97056SPF – \$70,500.00
- U. Performance Guarantee Release – Eastern Hill, LLC (Pizzo & Pizzo/Tract A – Docket #P97056SPF – Open Space Markers/\$3,050.00; Placement of Monuments/ \$4,500.00
- V. Performance Guarantee Release – Eastern Hill, LLC (Pizzo & Pizzo/Tract C – Docket #P97058SPF – Open Space Markers/\$12,800.00; Placement of Monuments/ 8,500.00
- W. Performance Guarantee Release/Authorize Final Payment – Penn Bower, Inc. – Dunham Lebed Park Improvements - \$250,891.95
- X. Performance Guarantee Release – Arany LLC – Docket #P97065P – PENDING FROM RUSSO
- Y. Performance Guarantee Release – Togar Properties – Docket #Z99072USF - \$1,077,166.70
- Z. Approve 2003 Commissioners Salaries – Fire District No. 1

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- AA. Approve 2003 Commissioners Salaries – Fire District No. 3
- BB. Authorize Auction – Surplus Township Vehicles
- CC. Authorize Raffle/Bingo Licenses
- DD. Approve Executive Session Minutes Released by Township Attorney
- EE. Authorize Out-of-State Training – Chief of Police Craig R. Novick – Use of unmarked police vehicle
- FF. Waiver of Zoning, Construction, Street Opening Permit & Inspection Fees – Raritan Valley Habitat for Humanity – Affordable Housing Single Family and Two Family Units – Block 137/Lot 5.01 and Block 137/Lots 10.01 & 12.01 - Alex Place
- GG. Professional Service Agreement – Louis Rainone, Esq. – Township Attorney Services – ~~1/1/03 to 12/31/03 – \$350,000.00~~ **11/1/02 to 6/30/03 - \$196,000.00**
- HH. Professional Service Agreement – DMR Architects – Design of Animal Shelter Facility – \$49,300.00
- II. Performance Guarantee Release – Briar Manor Developers, LLC/Astor Court – Docket #P98070P - \$689,568.00
- JJ. Escrow Release – Briar Manor Developers, LLC/Astor Court – Inspection Fees - \$461.00
- KK. Accept Resignation – Michael Hamm – Environmental Commission

A. 03-005 RESOLUTION - TAX TITLE LIEN REDEMPTION - OUTSIDE BUYER

WHEREAS, at a sale of land for delinquent taxes and all liens held by the Collector of Taxes of Franklin Township, Somerset County, various blocks and lots were sold to the following persons; and

WHEREAS, said property and/or liens have been redeemed by the owners thereof, and the purchasers of said property are legally entitled to a refund of monies paid at the time of redemption in the following specific amount

NOW, THEREFORE, BE IT RESOLVED that the amounts covering the certificates of sale, together with all the charges due the said individuals at the time of redemption be and the same are hereby ordered refunded to the said individuals, and the proper officials of the Township of Franklin, Somerset County, New Jersey, are hereby authorized and empowered to execute a voucher to the said individuals in the following amounts:

<u>DATE OF SALE</u>	<u>BLOCK/LOT</u>	<u>NAME</u>	<u>AMOUNT</u>
June 7, 2001	20.04/11.01 C3903	MERCADO, RONALD & MARIE 5 Balboa Lane Franklin Park NJ 08823	\$ 439.39
PAID:	December 9, 2002	CERT #01-143	
LIENHOLDER:	James Pilewski 3 Devon Lane	Warren NJ 07059	
June 13, 2002	34.05/52.05 C214	JENNINGS, STERPHEN 52 Harmon Road Edison NJ 08837 (20-214 DeLar Parkway)	\$ 325.22
PAID:	November 26, 2002	CERT #020020	
LIENHOLDER:	James Pilewski 3 Devon Lane	Warren NJ 07059	

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June 13, 2002	34.09/52.02 C0501	COLON, EDITH 117 Sapphire Lane Franklin Park NJ 08823	\$ 600.00
PAID:	December 17, 2002	CERT #020033	
LIENHOLDER:	Fidelity Tax Corporation #302/237 3371 Brunswick Pike Lawrenceville NJ 08648		
June 13, 2002	76/10.01	FERNANDEZ, CARLOS & L. 1860 Amwell Road Somerset NJ 08873	\$19,735.36
PAID:	December 10, 2002	CERT #020045	
LIENHOLDER:	American Tax Funding PO Box 862658 Orlando FL 32888-2658		
June 8, 2000	85/56.03 C0179	GAINES, WARREN 179 Kingsberry Drive Somerset, NJ 08873	\$ 329.60
PAID:	December 27, 2002	CERT #20-93	
LIENHOLDER:	JNJ Funding Corp. 90 Dayton Aven., Bldg. 6C Passaic, NJ 07055		
June 7, 2001	85/56.03 C0179	GAINES, WARREN 179 Kingsberry Drive Somerset, NJ 08873	\$ 524.87
PAID:	December 27, 2002	CERT #01-54	
LIENHOLDER:	JNJ Funding Corp. 90 Dayton Aven., Bldg. 6C Passaic, NJ 07055		
June 7, 2001	147/17	BEASON, E. & LUCKEY, E. 123 Victor Street Somerset, NJ 08873	\$ 425.07
PAID:	December 20, 2002	CERT #01-29	
LIENHOLDER:	Fernwood Funding 92 Main Avenue Wallington, NJ 07057		
June 13, 2002	147/17	BEASON, E. & LUCKEY, E. 123 Victor Street Somerset, NJ 08873	\$3,143.04
PAID:	December 20, 2002	CERT #020072	
LIENHOLDER:	Mooring Tax Asset Group 8614 Westwood Center Dr., Ste. 650 Vienna, Va 22182		
June 7, 2001	155/1	BURTON, J. & B. 60 Newport Avenue Somerset, NJ 08873	\$16,151.15
PAID:	December 27, 2002	CERT# 01-137	
LIENHOLDER:	Phoenix Funding 191 Glen Road Mountainside, NJ 07092		
June 10, 1999	155/1	BURTON, J. & B. 60 Newport Avenue Somerset, NJ 08873	\$ 359.85
PAID:	December 27, 2002	CERT #99-30	
LIENHOLDER:	Frank J. Festa PO Box 97 Scotch Plains, NJ 07076		

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June 13, 2002	155/1	BURTON, J. & B. 60 Newport Avenue Somerset, NJ 08873	\$1,306.19
PAID:	December 27, 2002	CERT #020079	
LIENHOLDER:	James Pilewski 3 Devon Lane Warren, NJ 07059		
June 13, 2002	161/38	ADKINSON, D. & Q. 53 Eugene Avenue Somerset NJ 08873	\$ 1,810.91
PAID:	December 16, 2002	CERT #020086	
LIENHOLDER:	Ding Huang & Yima 251 Woodside Lane	Bridgewater NJ 08807	
June 13, 2002	174/57	JAQUEZ, LUCIA 121 Henry Street Somerset, NJ 08873	\$9,239.48
PAID:	December 27, 2002	CERT # 020090	
LIENHOLDER:	Fidelity Tax Corp. #302/237-3371 Brunswick Pike Lawrenceville, NJ 08648		
June 13, 2002	179/33	BROWN, P. & C. 28 Meister Street Somerset, NJ 08873	\$1,621.20
PAID:	December 27, 2002	CERT #020092	
LIENHOLDER:	James Pilewski 3 Devon Lane Warren, NJ 07059		
June 13, 2002	346/40	HARRIS, ROBERT L. 146 Warren Street Somerset NJ 08873	\$6,335.18
PAID:	November 27, 2002	CERT #020155	
LIENHOLDER:	Phoenix Funding 191 Glen Road	Mountainside NJ 07092	
June 13, 2002	528.06/24	GORELICK, VIOLET 71 Welton Street New Brunswick NJ 08901 (105 Ethel Street)	\$ 127.60
PAID:	December 17, 2002	CERT #020187	
LIENHOLDER:	Fernwood Funding 92 Main Avenue	Wallington NJ 07057	

B. 03-006 RESOLUTION - TAX OVERPAYMENTS

WHEREAS, there appears on the books of the Collector of Revenue, refunds due, resulting from Tax/WATER Overpayments; and

WHEREAS, refunds are to be made to the persons who have made these overpayments;

NOW, THEREFORE, BE IT RESOLVED that the Township Treasurer of the Township of Franklin, Somerset County, be instructed to draw checks in the amounts covering the overpayments and to deliver said checks to the proper persons.

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BLOCK/LOT	NAME/ADDRESS	QTR/YR	AMOUNT
11.07/5	WILSON, STEVONNE 10 Summerfield Drive Princeton NJ 08540	4/02	250.00
11.10/15 37.02/5.04 C1904	WELLS FARGO HOME MORTGAGE 1 Home Campus Des Moines IA 50328- 0001	4/02 4/02	4,922.44 2,042.88
34.09/59.02 C0465	SIMON & LUPO ATTORNEYS AT LAW 1254 Highway 27 North Brunswick NJ 08902	4/02	1,211.63
34.10/59.01 C0711	MICHELLE M. TULLIO, ESQ. LANFRIT, LISCINSKI & ROSENWAS 265 Davidson Avenue Somerset NJ 08873	4/02	805.47
76/10.01	AMERICAN TAX FUNDING PO Box 862658 Orlando FL 32866- 2658	4/02	1,464.66
86.01/4.03	HOWARD B. GOLDBERG ESQ. & MAURICE WEILL TRUSTEE 33 Clinton Road West Caldwell NJ 07006	4/01 4/02	3,295.92 3,486.38
289/21	JOHNNIE & YVONNE DEAVEREAUX 4 Holly Street Somerset NJ 08873	4/02	1,097.03
289/67	WACHOVIA CT/MD SASS II 123 South Broad Street, PA 1328 Philadelphia PA 19109	4/02 4/02 Water	1,899.30 298.39
370/1	SOUTHERN UNITED TITLE AGENCY 5 West Park Avenue Merchantville NJ 08109	4/02	1,510.09
383/15	CHRISTINE J. STOEKEL 43 Shelly Drive Somerset NJ 08873	4/02	1,386.69
386.17/129.79	PATRICIA A. ROSELLI 6 De Palma Court Somerset NJ 08873	4/02	1,058.34
401/20	PORTER, COLLIS & STACEY 32 Bayberry Drive Somerset NJ 08873	4/02	1,663.38
424.10/249	RONALD A. DRAUCIKAS, ESQ. 575 Route 46 West Fairfield NJ 07004	4/02	889.21
471/44.04	BARBARA-JEAN STIBLER 14 Norfolk Road Somerset NJ 08873	4/02	200.00

C. 03-007 RESOLUTION - WATER OVERPAYMENT

WHEREAS, there appears on the books of the Collector of Revenue water monies to be refunded as follows:

<u>BLOCK/LOT</u>	<u>NAME/ADDRESS</u>	<u>REASON</u>	<u>AMOUNT</u>
167/29	RICHARD ONQUE	Overpayment	\$31.74

WHEREAS, refunds are to be made to the persons who have made such overpayments;

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NOW, THEREFORE, BE IT RESOLVED that the Treasurer of the Township of Franklin, County of Somerset and State of New Jersey be instructed to draw checks in the amounts covering the overpayments and to deliver such checks to the proper person.

D. Removed from Consent Agenda**E. 03-008 RESOLUTION – INSERTION IN BUDGET – NEW JERSEY HISTORICAL COMMISSION/DEPARTMENT OF STATE - MIDDLEBUSH VILLAGE HISTORIC DISTRICT NOMINATION - \$10,000.00**

WHEREAS, N.J.S.A. 40A: 4-87 provided that the Director of Local Government Services may approve the insertion of any Special Item of Revenue in the Budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the Budget; and

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

WHEREAS, the Township of Franklin in the County of Somerset, State of New Jersey will receive \$10,000.00 with \$0 match for NJ HISTORICAL COMMISSION, DEPARTMENT OF STATE GRANT, and wishes to amend its 2003 Budget to include a portion of this additional amount as a revenue;

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Franklin, Somerset County hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Budget for the year 2003 in the sum of \$10,000.00 which is now available as revenue from:

**NJ HISTORICAL COMMISSION, DEPARTMENT OF STATE GRANT
MIDDLEBUSH VILLAGE HISTORIC DISTRICT NOMINATION**

BE IT FURTHER RESOLVED that a like sum of \$10,000.00, for NJ HISTORICAL COMMISSION, DEPARTMENT OF STATE GRANT be and the same is hereby appropriated under the caption of:

**NJ HISTORICAL COMMISSION, DEPARTMENT OF STATE GRANT
MIDDLEBUSH VILLAGE HISTORIC DISTRICT NOMINATION**

BE IT FURTHER RESOLVED that the Township Clerk forward CERTIFICATION – GRANTS/ SPECIAL ITEM OF REVENUE AND APPROPRIATION endorsed by the Township Clerk and the Chief Financial Officer to the Director of Local Government Services.

F. 03-009 RESOLUTION - AWARD BID – LEE SUPPLY COMPANY – VARIOUS WATER WORKS SUPPLIES - \$3,312.40

WHEREAS, a notice to bidders for the receipt of bids for the provisions of various water works supplies for the extension of water facilities to the Presbyterian Homes development was published in the Courier News on October 28, 2002 for receipt on November 18, 2002; and

WHEREAS, the Chief Financial Officer has certified in writing, hereon that funds are available and the Municipal Attorney has reviewed the certification of the Chief Financial Officer and is satisfied that said certification is in proper form;

BE IT RESOLVED by the Township Council of the Township of Franklin, Somerset County, New Jersey that the following bids be awarded:

**LEE SUPPLY COMPANY
PO BOX 4
DENVER, NJ 07834**

Not to exceed \$3,312.40; and

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BE IT FURTHER RESOLVED that the Mayor and the Township Clerk be and the same are hereby authorized to enter into a contract with the above listed companies.

G. 03-010 RESOLUTION - AMEND AWARD BID – WATER WORKS SUPPLIES – KENNEDY CULVERT & SUPPLY COMPANY & GRIFFIN PIPE - NOVEMBER 1, 2001 to OCTOBER 30, 2003 - AN AMOUNT NOT TO EXCEED \$5,000.00 ANNUALLY \$60,000.00 ANNUALLY

BE IT RESOLVED by the Township Council of the Township of Franklin, Somerset County, New Jersey that the resolution adopted November 13, 2001, awarding the following bids for the two-year period beginning on the date of Notice to Proceed:

KENNEDY CULVERT & SUPPLY COMPANY
395 Roycefield Road
Hillsborough NJ 08876

GRIFFIN PIPE
1100 West Front Street
Florence NJ 08518

be amended as to not to exceed amount from \$5,000.00 annually to \$60,000.00 annually; and

BE IT FURTHER RESOLVED that the Mayor and the Township Clerk be and the same are hereby authorized to enter into amended contracts with the above listed companies; and

BE IT FUTURE RESOLVED that the Chief Financial Officer has certified in writing hereon that funds are available and the Municipal Attorney has reviewed the certification of the Chief Financial Officer and is satisfied that said certification is in proper form; and

BE IT FURTHER RESOLVED that continuation of the terms of this contract is contingent upon availability of funds in the FY2003 & FY2004 Budgets, and in the event of unavailability of such funds, the Township of Franklin reserves the right to cancel this contract

H. 03-011 RESOLUTION - AUTHORIZE PURCHASE UNDER STATE CONTRACT – EXPANETS, INC. – COMPUTER EQUIPMENT TO PROVIDE VOICE AND DATA TO 12 BERRY STREET/QUEUING SYSTEM FOR TOWNSHIP TELEPHONE SYSTEM - \$12,101.25

WHEREAS, the Township of Franklin desires to purchase items as follows through State Contract, which items, when combined with other purchases, exceed the prevailing bid threshold:

VENDOR: **EXPANETS, INC.**
 DEPT. 1261
 Denver CO 80271-1261
 State Contract No. A42285

ITEMS: **Software to Provide Voice and Data to 12 Berry Street and Queuing System for Township Telephone System**

COST: **An amount not to exceed \$12,101.25**

WHEREAS, the Chief Financial Officer has certified in writing hereon that funds are available and the Municipal Attorney has reviewed the certification of the Chief Financial Officer and is satisfied that said certification is in proper form.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Franklin, County of Somerset and State of New Jersey does hereby authorize the Mayor and Township Clerk to execute a contract with the above named vendor to purchase the specified items under State Contract.

REGULAR MEETING – JANUARY 14, 2003**I. 03-012 RESOLUTION - AUTHORIZE PURCHASE – CENTRAL JERSEY JOINT INSURANCE FUND - INSURANCE POLICIES - FIRST INSTALLMENT FOR 2003 - AMOUNT NOT TO EXCEED \$284,372.65**

WHEREAS, the Township of Franklin desires to purchase items as follows which are exempt from the bidding requirements of the Local Public Contracts Law and meeting the requirements for an Extraordinary Unspecifiable Service:

VENDOR: CENTRAL JERSEY JOINT INSURANCE FUND

ITEMS:

Workers' Compensation including Employer's Liability, USL&H and Harbor Marine/Jones Act.

General Liability including Police Professional Liability, Employee Benefits Liability, Quasi-Municipal Organization Liability, Garage Keeper's Liability, Failure to Supply (gas, water and electricity), Riot, Civil Commotion or Mob Action, Good Samaritan, disinfecting release hazard and skateboard facility.

Automobile Liability including PIP and Uninsured/Underinsured Motorists' Coverage.

Blanket Public Employees Bond including employee dishonesty and public faithful performance; forgery or alteration; theft, disappearance and destruction; robbery and safe burglary; and computer fraud with funds transfer.

Property including Boiler and Machinery.

Excess Workers' Compensation

Excess General Liability

Non-Owned Aircraft Liability

Excess Auto Liability

Public Officials Liability/Employment Practices Liability

Optional Excess POL/EPL

Directors and Officers Liability

Optional Excess Liability

Excess Public Employees Bond

Excess Public Officials Bond

Annual Aggregate Insurance

COST: Not to exceed \$284,372.65 for the period January 1 to June 30, 2003

WHEREAS, the Chief Financial Officer has certified in writing hereon that funds are available and the Municipal Attorney has reviewed said certificate and is satisfied that said certificate is in proper form; and

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Franklin, County of Somerset and State of New Jersey:

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- (1) Authorizes the Mayor and Township Clerk to execute a contract with the above named vendor to purchase the specified items, which contract shall be maintained on file with the Township Clerk and available for public inspection.
- (2) This contract is awarded without competitive bidding and in accordance with the requirements for Extraordinary Unspecifiable Services in accordance with NJSA 40A:11-5(1) (M) of the Local Public Contracts Law.
- (3) A notice of this action shall be printed in the **LEGAL NEWSPAPER OF THE TOWNSHIP** as required by law within ten (10) days of its passage.
- (4) The vendor shall supply the Township of Franklin with Federal Affirmative Action Plan Approval or State Certificate of Employee Information Report within the time period specified by NJAC 17:27. The Contract shall contain the Mandatory Affirmative Action Language for Professional Service Contracts required by NJAC 17:27, a copy of which shall be attached to and incorporated in the Extraordinary Unspecifiable Service Agreement authorized herein.
- (5) The vendor shall agree to comply with the requirements of Title II of the Americans with Disabilities Act of 1990 and indemnify, protect and save harmless the Township from all suits, claims, losses, demands or damages of whatever kind or nature arising out of or claimed to arise out of alleged violations of the Act. A copy of the Act shall be attached to and incorporated in the Extraordinary Unspecifiable Service Agreement authorized herein.

J. Removed from Consent Agenda**K. 03-014 RESOLUTION - SOMERSET COUNTY 2003 RECYCLING SERVICES**

WHEREAS, the County of Somerset provides recycling services to the Township of Franklin and has submitted a renewal agreement for the period January 1, 2003 to December 31, 2003;

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED that the Township Council of the Township of Franklin, County of Somerset and State of New Jersey does hereby authorize the Mayor and Township Clerk to execute on behalf of the Township Agreement with the County of Somerset providing for Recycling Services for 2003 at a rate of \$23.85 per household per year.

L. 03-015 RESOLUTION - SOMERSET COUNTY – PUBLIC HEALTH PREPAREDNESS AND RESPONSE TO BIOTERRORISM, OUTBREAKS OF INFECTIOUS DISEASE, AND OTHER PUBLIC HEALTH THREATS AND EMERGENCIES

BE IT AND IT IS HEREBY RESOLVED that the Township Council of the Township of Franklin, County of Somerset and State of New Jersey does hereby authorize the Mayor and Township Clerk to execute on behalf of the Township Agreement with the County of Somerset providing for public health preparedness and response to bioterrorism, outbreaks of infectious disease and other public health threats and emergencies.

M. 03-016 RESOLUTION - GRANT AGREEMENT - NEW JERSEY HISTORICAL COMMISSION - MIDDLEBUSH VILLAGE HISTORIC DISTRICT NOMINATION - \$10,000.00

BE IT AND IT IS HEREBY RESOLVED that the Township Council does hereby authorize the Mayor and Township Clerk to execute on its behalf a Grant Agreement with New Jersey Historic Commission/Department of State for a grant in the amount of \$10,000.00 for the Middlebush Village Historic District Nomination.

REGULAR MEETING – JANUARY 14, 2003**N. 03-016 RESOLUTION - GRANT APPLICATION – NJ SAFE AND SECURE COMMUNITIES PROGRAM – TWO POLICE POSITIONS - \$60,000**

WHEREAS, the Township of Franklin in the County of Somerset, State of New Jersey wishes to apply for funding a project under the Safe and Secure Communities Program (**Grant No. P-2446**); and

WHEREAS, the Township of Franklin has reviewed the accompanying application and has approved said request; and

WHEREAS, the project is a joint effort between the Department of Law and Public Safety and Township of Franklin for the purpose described in the application;

THEREFORE, BE IT RESOLVED by the Mayor and Council that

- (1) As a matter of public policy Franklin Township wishes to participate to the fullest extent possible with the department of Law and Public Safety.
- (2) The Attorney General will receive funds on behalf of the applicant.
- (3) The Division of Criminal Justice shall be responsible for the receipt and review of the applications for said funds.
- (4) The Division of Criminal Justice shall initiate allocations to each applicant as authorized.

Q. 03-017 RESOLUTION - RELEASE OF PLAN REVIEW ESCROW - VARIOUS

WHEREAS, the Township of Franklin, Somerset County has received escrow monies for purposes of professional fees incurred for review of and/or testimony concerning an application for development in accordance with Section 112-29 of the Code of the Township of Franklin; and

WHEREAS, the project has been completed and the Township Engineer has certified to the Township Clerk the amount of money charged against the escrow and has recommended that the balance remaining as set forth be returned to the applicant:

APPLICANT: RACEWAY PETROLEUM

ADDRESS:	1411 Stelton Road	Piscataway NJ
DOCKET NO:	ZBA2002-0008	
BLOCK/LOT:	37.02/9.02	LOCATION: 2975 Route 27
AMOUNT DEPOSITED:	1,875.00 Ellen Ritchie	\$5,625.00 Schoor DePalma
AMOUNT CHARGED:	<u>-550.00</u>	<u>-3,780.00</u>
AMOUNT TO BE REFUNDED:	\$1,325.00	\$1,845.00

APPLICANT: RAYMOND GUGLIOTTA

ADDRESS:	120 Cedar Grove Lane	Somerset NJ 08873
DOCKET NO:	ZBA2001-0051	
BLOCK/LOT:	386.04/35	LOCATION: Amwell Road
AMOUNT DEPOSITED:	\$1,500.00 Schoor DePalma	\$3,500.00 In-House
ADDITIONAL DEPOSIT:	<u>1,500.00</u>	
	3,000.00	
AMOUNT CHARGED:	<u>-2,570.27</u>	<u>-868.75</u>
AMOUNT TO BE REFUNDED:	\$ 429.73	\$2,631.25

APPLICANT: CHAUNCEY ASSOCIATES

ADDRESS:	PO Box 122	Franklin Park NJ 08823
DOCKET NO:	PLN2001-0060	
BLOCK/LOT:	34.01/32 & 33	
AMOUNT DEPOSITED:	\$3,000.00	
AMOUNT CHARGED:	<u>-420.00</u>	
AMOUNT TO BE REFUNDED:	\$2,580.00	

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APPLICANT: SEAN TIERNEY
ADDRESS: 3 Como Drive Somerset NJ 08873
DOCKET NO: ZBA 2002-0007
BLOCK/LOT: 508.02/18.02 LOCATION: 3 Como Drive
AMOUNT DEPOSITED: \$2,000.00
AMOUNT CHARGED: -320.00
RETAINED FOR FINAL
INSPECTION: -350.00
AMOUNT TO BE REFUNDED: \$1,330.00

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the remaining escrow monies be returned to the above named applicant; and

BE IT FURTHER RESOLVED that the Chief Financial Officer be and is hereby directed to refund the escrow amounts herein.

P. 03-019 RESOLUTION - RELEASE OF CONSTRUCTION WATER METER ESCROW MONIES

WHEREAS, the Township of Franklin, Somerset County has received escrow monies for purposes of utilizing fire hydrants for construction water as required by **Section 236-11 of the Code**; and

WHEREAS, the project has been completed and the Director of the Water Division of the Department of Public Works, has certified to the Township Clerk the amount of money actually due for said construction water and has recommended that the balance remaining as set forth be returned to the applicant:

APPLICANT: RAINBOW - G & J
ADDRESS: PO Box 392 Martinsville NJ 08836
AMOUNT DEPOSITED: \$850.00
AMOUNT TO BE DEPOSITED IN WATER ACCOUNT
FOR SERVICE CHARGE & WATER USAGE \$135.00
AMOUNT TO BE REFUNDED: \$715.00

APPLICANT: JONES - BLYTHE
ADDRESS: 1030 West Reynolds Springfield IL 62702
AMOUNT DEPOSITED: \$850.00
AMOUNT TO BE DEPOSITED IN WATER ACCOUNT
FOR SERVICE CHARGE & WATER USAGE \$135.00
AMOUNT TO BE REFUNDED: \$715.00

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, Somerset County and State of New Jersey that the remaining escrow monies be returned to the above named applicant; and

BE IT FURTHER RESOLVED that the Chief Financial Officer be and is hereby directed to refund the escrow amounts herein.

Q. 03-021 RESOLUTION - PERFORMANCE GUARANTEE REDUCTION - RAYMOND GUGLIOTTA - DOCKET NO. ZBA2001-0051 - \$116,040.00

WHEREAS, the Township Clerk of the Township of Franklin, Somerset County, New Jersey 08873 has received the following:

ITEM: PERFORMANCE BOND

NAME OF APPLICANT: RAYMOND GUGLIOTTA
ADDRESS OF APPLICANT: 6 Cheddar Place Somerset NJ 08873

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NUMBER: Check No. 1002
 INSURANCE CO./BANK: Salomon Smith Barney Englewood Cliffs NJ
 IN THE AMOUNT OF: \$116,040.00
 FOR: Site Improvements for Docket No. ZBA2001-0051, Block 386.04/Lot 35 located at 1685 Amwell Road; and

WHEREAS, the aforesaid applicant has requested reduction of the aforesaid Performance Guarantee; and

WHEREAS, the Township Engineer, after inspection, recommends reduction of the aforesaid Performance Guarantee by the amount of \$57,000.00;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the aforesaid Performance Guarantee be reduced to \$59,040.00 and that the Township Treasurer be directed to issue a check to the aforesaid applicant in the amount of \$57,000.00 representing the reduction of this performance guarantee.

R. 03-021 RESOLUTION - PERFORMANCE GUARANTEE RELEASE/ACCEPT STREETSEASTERN HILL, LLC (PIZZO & PIZZO TRACT A) - DOCKET NO. P97056SPF - \$329,542.99

WHEREAS, the Township Clerk of the Township of Franklin, Somerset County, New Jersey 08873 has received the following:

ITEM: PERFORMANCE BOND
 NAME OF APPLICANT: EASTERN HILL, LLC (PIZZO & PIZZO TRACT A)
 ADDRESS OF APPLICANT: 1065 Route 22 West Bridgewater NJ 08807
 NUMBER: UB-1004333
 INSURANCE CO./BANK: Universal Bonding Insurance Company
 518 Stuyvesant Avenue, PO Box 615 Lyndhurst NJ 07071
 IN THE AMOUNT OF: \$329,542.99
 FOR: Site Improvements for Docket No. P97056SPF - Charles Street; and

WHEREAS, the aforesaid applicant has requested release of the aforesaid Performance Guarantee; and

WHEREAS, the Township Engineer, after inspection, recommends release of the aforesaid Performance Guarantee subject to receipt of a two (2) year Maintenance Bond in the amount of \$89,730.76; and

WHEREAS, in connection with the improvements required by said Performance Guarantee, the following described road or portion of roads have been dedicated to the Township:

CHARLES STREET

A 50 feet wide road beginning at its existing terminus approximately 392 feet northeasterly of its intersection with Lynch Street and extending northeasterly, along its various courses, a distance of approximately 1,235 feet to its intersection with Gauguin Way.

GAUGUIN WAY

A 50 feet wide road beginning at a terminus in a cul-de-sac approximately 385 feet northwesterly from its intersection with Charles Street and extending southeasterly, crossing said intersection and along its various courses, a distance of approximately 1230 feet to its terminus in another cul-de-sac.

The above named roads as laid out on a certain map entitled, "Final Plat, Glen Eyre at Somerset, Lots 4.04 & 22 in Block 417.01, Tax Map Sheet No. 63, Situated in Franklin Township, Somerset County, New Jersey," prepared by Lynch, Giuliano & Associates, Incorporated, dated October 6, 1999, revised to September 26, 2000 and filed in the Somerset County Clerk's Office on October 18, 2000 as Map No. 3532; and

WHEREAS, said roads or portion of roads have been duly inspected by the Township Engineer and the Director of Public Works and determined to be in conformity with applicable

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Township standards, and said persons have recommended acceptance of such roads or portion of roads as municipal roads;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the aforesaid Performance Guarantee be released to the above named applicant upon receipt of the aforesaid Maintenance Bond;

BE IT FURTHER RESOLVED that the Township Council of the Township of Franklin, Somerset County hereby accepts the dedication of the above listed roads or portion of roads as municipal roads open to the public as of the date of this resolution.

S. 03-022 RESOLUTION - PERFORMANCE GUARANTEE RELEASE - EASTERN HILL, LLC (PIZZO & PIZZO TRACT A) - WALKING TRAIL - DOCKET NO. P97056SPF - \$5,378.40

WHEREAS, the Township Clerk of the Township of Franklin, Somerset County, New Jersey 08873 has received the following:

ITEM: PERFORMANCE BOND

NAME OF APPLICANT: EASTERN HILL, LLC (PIZZO & PIZZO TRACT A)
ADDRESS OF APPLICANT: 1065 Route 22 West Bridgewater NJ 08807

NUMBER: UB-1004498
INSURANCE CO./BANK: Universal Bonding Insurance Company
518 Stuyvesant Avenue, PO Box 615 Lyndhurst NJ 07071

IN THE AMOUNT OF: \$5,378.40
FOR: Site Improvements/Walking Trail for Docket No. P97056SPF - Block 417.01/Lots 4.04 & 22, Charles Street; and

WHEREAS, the aforesaid applicant has requested release of the aforesaid Performance Guarantee; and

WHEREAS, the Township Engineer, after inspection, recommends release of the aforesaid Performance Guarantee;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the aforesaid Performance Guarantee be released to the above named applicant.

T. 03-023 RESOLUTION - PERFORMANCE GUARANTEE RELEASE - EASTERN HILL, LLC (PIZZO & PIZZO TRACT A) - DRIVEWAYS SURFACE - DOCKET NO. P97056SPF - \$70,500.00

WHEREAS, the Township Clerk of the Township of Franklin, Somerset County, New Jersey 08873 has received the following:

ITEM: PERFORMANCE BOND

NAME OF APPLICANT: EASTERN HILL, LLC (PIZZO & PIZZO TRACT A)
ADDRESS OF APPLICANT: 1065 Route 22 West Bridgewater NJ 08807

NUMBER: UB-1005658
INSURANCE CO./BANK: Universal Bonding Insurance Company
518 Stuyvesant Avenue, PO Box 615 Lyndhurst NJ 07071

IN THE AMOUNT OF: \$70,500.00
FOR: Site Improvements/Driveway Surface for Docket No. P97056SPF - Block 417.01/Lots 4.04 & 22; and

WHEREAS, the aforesaid applicant has requested release of the aforesaid Performance Guarantee; and

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WHEREAS, the Township Engineer, after inspection, recommends release of the aforesaid Performance Guarantee;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the aforesaid Performance Guarantee be released to the above named applicant.

U. 03-024 RESOLUTION - PERFORMANCE GUARANTEE RELEASE - EASTERN HILL, LLC (PIZZO/MINDEL TRACT A) - DOCKET NO. P97056P - OPEN SPACE MARKERS / \$3,050.00; PLACEMENT OF MONUMENTS/\$4,500.00

WHEREAS, the Township Clerk of the Township of Franklin, Somerset County, New Jersey 08873 has received the following:

ITEM: PERFORMANCE BOND

NAME OF APPLICANT: EASTERN HILL, LLC (PIZZO/MINDEL TRACT A)
ADDRESS OF APPLICANT: 1065 Route 22 West Bridgewater NJ 08807

NUMBER: UB-1004334
INSURANCE CO./BANK: Universal Bonding Insurance Company
518 Stuyvesant Avenue, PO Box 615 Lyndhurst NJ 07071

IN THE AMOUNT OF: \$4,500.00
FOR: Placement of eighteen (18) Monuments - Docket No. P97056P - Block 417.01/Lots 4.04 & 22, Charles Street

NUMBER: UB-1004513
INSURANCE CO./BANK: Universal Bonding Insurance Company
518 Stuyvesant Avenue, PO Box 615 Lyndhurst NJ 07071

IN THE AMOUNT OF: \$3,050.00
FOR: Placement of Open Space Markers - Docket No. P97056P - Block 417.01/Lots 4.04 & 22, Charles Street; and

WHEREAS, the aforesaid applicant has requested release of the aforesaid Performance Guarantee; and

WHEREAS, the Township Engineer, after inspection, recommends release of the aforesaid Performance Guarantee;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the aforesaid Performance Guarantee be released to the above named applicant.

V. 03-025 RESOLUTION - PERFORMANCE GUARANTEE RELEASE - EASTERN HILL, LLC (PIZZO/MINDEL TRACT C) - DOCKET NO. P97058SP - OPEN SPACE MARKERS / \$12,800.00; PLACEMENT OF MONUMENTS/\$8,500.00

WHEREAS, the Township Clerk of the Township of Franklin, Somerset County, New Jersey 08873 has received the following:

ITEM: PERFORMANCE BOND

NAME OF APPLICANT: EASTERN HILL, LLC (PIZZO/MINDEL TRACT A)
ADDRESS OF APPLICANT: 1065 Route 22 West Bridgewater NJ 08807

NUMBER: UB-1004336
INSURANCE CO./BANK: Universal Bonding Insurance Company
518 Stuyvesant Avenue, PO Box 615 Lyndhurst NJ 07071

IN THE AMOUNT OF: \$8,500.00
FOR: Placement of thirty-four (34) Monuments - Docket No. P97058SP - Block 428.08/Lot 39.01, Dellwood Lane

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NUMBER: **UB-1004512**
INSURANCE CO./BANK: Universal Bonding Insurance Company
 518 Stuyvesant Avenue, PO Box 615 Lyndhurst NJ 07071
IN THE AMOUNT OF: \$12,800.00
FOR: Placement of Open Space Markers - Docket No. P97058SP - Block 428.08/Lot 39.01,
 Dellwood Lane; and

WHEREAS, the aforesaid applicant has requested release of the aforesaid Performance Guarantee; and

WHEREAS, the Township Engineer, after inspection, recommends release of the aforesaid Performance Guarantee;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the aforesaid Performance Guarantee be released to the above named applicant.

W. 03-026 RESOLUTION - PERFORMANCE GUARANTEE RELEASE - PENN BOWER, INCORPORATED – DUNHAM LEBED PARK IMPROVEMENTS - \$250,891.95 / AUTHORIZE FINAL PAMENT OF \$5,193.47

WHEREAS, the Township Clerk of the Township of Franklin, Somerset County, New Jersey 08873 has received the following:

ITEM: PERFORMANCE BOND
NAME OF APPLICANT: PENN BOWER
ADDRESS OF APPLICANT: 132 West Main Street
 High Bridge NJ 08829
NUMBER: A10746
INSURANCE COMPANY: First Indemnity of America Insurance Company
 119 Littleton Road Parsippany NJ 07054
IN THE AMOUNT OF: \$250,891.95
FOR: Dunham-Lebed Park Improvements; and

WHEREAS, the aforesaid Contractor has requested release of the aforesaid Performance Guarantee and the Township Engineer, after inspection, recommends release of the aforesaid Performance Guarantee subject to receipt of a two (2) year Maintenance Bond in the amount of \$38,546.03, which Maintenance Bond has been filed with the Township Clerk; and

WHEREAS, the aforesaid Contractor has requested release of the final payment for this construction, and the Township Engineer recommends release of the final payment;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the aforesaid Performance Guarantee be released to the above named applicant since the required maintenance bond has been received; and

BE IT FURTHER RESOLVED that the Township Treasurer be and he is hereby authorized to make final payment to the Contractor of the balance due for the construction in the amount of \$5,193.47.

REGULAR MEETING – JANUARY 14, 2003**X. 03-027 RESOLUTION - PERFORMANCE GUARANTEE RELEASE – ARANY LLC - DOCKET NO. P97065PD - \$109,496.00**

WHEREAS, the Township Clerk of the Township of Franklin, Somerset County, New Jersey 08873 has received the following:

ITEM: IRREVOCABLE LETTER OF CREDIT

NAME OF APPLICANT: ARANY LLC

ADDRESS OF APPLICANT: 8 Veronica Avenue New Brunswick NJ 08901

NUMBER: S00042634

INSURANCE CO./BANK: The Bank of New York New York NY

IN THE AMOUNT OF: \$109,496.00

FOR: Site Improvements for Docket No. P97065PD - Block 90/Lots 9 & 10, 8 Veronica Avenue; and

WHEREAS, the aforesaid applicant has requested release of the aforesaid Performance Guarantee; and

WHEREAS, the Township Engineer, after inspection, recommends release of the aforesaid Performance Guarantee

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the aforesaid Performance Guarantee be released to the above named applicant.

Y. 03-028 RESOLUTION - PERFORMANCE GUARANTEE RELEASE - TOGAR KORMAN VENTURE III, LLC/GLOBAL CONSTRUCTION COMPANY - SUBDIVISION DOCKET NO. Z99072USF - \$1,077,166.80

WHEREAS, the Township Clerk of the Township of Franklin, Somerset County, New Jersey 08873 has received the following:

ITEM: PERFORMANCE BOND

NAME OF APPLICANT: TOGAR KORMAN VENTURE III, LLC/GLOBAL CONSTRUCTION COMPANY

ADDRESS OF APPLICANT: 580 W. Germantown Pike 7211 Regency Square Blvd.
Plymouth PA 19462 Suite 250 Houston TX 77036

NUMBER: 19007772

INSURANCE CO./BANK: Liberty Mutual Insurance Company

IN THE AMOUNT OF: \$1,077,166.80

FOR: Site Improvement for Docket No. Z99072USF - Block 502/7, 8.01 & 10.01, Pierce Street; and

WHEREAS, the aforesaid applicant has requested release of the aforesaid Performance Guarantee; and

WHEREAS, the Township Engineer, after inspection, recommends release of the aforesaid Performance Guarantee subject to receipt of a two year Maintenance Bond in the amount of \$232,530.90, which Maintenance Bond has been received;

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NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the aforesaid Performance Guarantee be released to the above named applicant.

Z. 03-029 RESOLUTION - ANNUAL COMPENSATION BOARD OF FIRE COMMISSIONERS- FIRE DISTRICT NO. 1

WHEREAS, NJSA 40A:14-88 provides in pertinent part:

"EACH MEMBER OF THE BOARD OF FIRE COMMISSIONERS SHALL RECEIVE AS COMPENSATION SUCH AMOUNT AS THE BOARD SHALL FIX SUBJECT TO REVIEW BY THE GOVERNING BODY WHEREIN THE FIRE DISTRICT IS LOCATED;" and

WHEREAS, by Resolution No. 02-33 adopted November 25, 2002, the Board of Commissioners, Fire District No. 1, has proposed Annual Compensation for various members of the Board of Fire Commissioners at \$2,000.00 each; and

WHEREAS, the Township Council has carefully considered such proposed salaries; and

WHEREAS, the Township Council is of the opinion that the public interest would be best served by the approval of said proposed salaries;

NOW, THEREFORE, BE IT RESOLVED THIS 14TH DAY OF JANUARY, 2003 by the Township Council of the Township of Franklin, in the County of Somerset and State of New Jersey that the Township Council does hereby approve payment of the salaries as proposed in the resolution adopted November 25, 2002 by the Board of Commissioners for Fire District No. 1.

AA. 03-030 RESOLUTION - ANNUAL COMPENSATION BOARD OF FIRE COMMISSIONERS - FIRE DISTRICT NO. 3

WHEREAS, NJSA 40A:14-88 provides in pertinent part:

"EACH MEMBER OF THE BOARD OF FIRE COMMISSIONERS SHALL RECEIVE AS COMPENSATION SUCH AMOUNT AS THE BOARD SHALL FIX SUBJECT TO REVIEW BY THE GOVERNING BODY WHEREIN THE FIRE DISTRICT IS LOCATED;" and

WHEREAS, by Resolution adopted November, 2002, the Board of Commissioners, Fire District No. 3, has proposed Annual Compensation for various members of the Board of Fire Commissioners at \$3,306.00 each; and

WHEREAS, the Township Council has carefully considered such proposed salaries; and

WHEREAS, the Township Council is of the opinion that the public interest would be best served by the approval of said proposed salaries;

NOW, THEREFORE, BE IT RESOLVED THIS 14TH DAY OF JANUARY, 2003 by the Township Council of the Township of Franklin, in the County of Somerset and State of New Jersey that the Township Council does hereby approve payment of the salaries as proposed in the resolution adopted November, 2002 by the Board of Commissioners for Fire District No. 3.

BB. 03-031 RESOLUTION – AUTHORIZE AUCTION OF MUNICIPALLY OWNED PERSONAL PROPERTY (VEHICLES) – MONDAY, FEBRUARY 3, 2003

BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey does hereby authorize a Public Auction of municipally owned personal property not needed for public use in accordance with NJSA 40:11-36 on Monday, February 2, 2003 at 10:00 am a the Public Works Complex, 40 Churchill Avenue, Somerset NJ:

REGULAR MEETING – JANUARY 14, 2003

The below listed vehicles may be inspected on Monday, February 3, 2003, between the hours of 8:00 am and 10:00 am:

<u>YEAR</u>	<u>MAKE/MODEL</u>	<u>STYLE</u>	<u>VIN. NUMBER</u>
1994	Chevrolet/Caprice	4 door White	1G1BL52P0RR162459
1995	Chevrolet/Caprice	4 door White	1G1BL52P35R135830
1995	Chevrolet/Caprice	4 door White	1G1BL52P9SR189990
1994	Chevrolet/Caprice	4 door White	1G1BL52P0RR162459
1990	Chevrolet/Caprice	4 door White	1G1BL5574LA140306
1992	Chevrolet/Caprice	4 door White	1G1BL5376NW155901
1995	Chevrolet/Caprice	4 door White	1G1BL52P8SR135161
1995	Chevrolet/Caprice	4 door White	1G1BL52P0SR136689
1994	Chevrolet/Caprice	4 door White	1G1BL52P2RR162589
1995	Chevrolet/Caprice	4 door White	1G1BL52PXS135498
1995	Chevrolet/Caprice	4 door White	1G1BL52P9SR188743
1994	Chevrolet/Caprice	4 door White	1G1BL52P9RR196464
1992	Chevrolet/Caprice	4 door White	1G1BL5377NW145331
1991	Chevrolet/Caprice	4 door Red/White	1G1BL5374MW224955
1987	Chevrolet/Caprice	4 door Black	1G1BL5167JR206793
1988	Chevrolet/S10/Pickup	White	1GCB514E6J2229206
1986	Chevrolet/Chevette	4 door White	1G2TL68C7GA208066
1989	Chevrolet/3500 Pickup	Blue	1GTGK34N4KE504752
1988	Chevrolet/s10 Pickup	White	1GCBS14E0J2230707
1986	GMC/2500 Pickup	Blue	1GTGK24M3GF31126
1986	GMC/Suburban	4 door White	1G5EC16LXGF51904
1990	GMC/Jimmy	2 door White	1CKEV18K4LF526446
1989	GMC/3500 Pickup	Blue	1G1GK34NXKE504707
1987	GMC/3500 Pickup	Blue	1GTHV34K GHS529082
1987	GMC/2500 Pickup	Blue	1GTUV24K0HS530928
1983	GMC/2500 Pickup	Blue	2GTGK24T2D1509235
1987	GMC/3500 Pickup	Blue	1GTHV34K8HJ527677
1987	GMC/Safari Van	Blue	1GKCM15Z7HB508419
1987	GMC/Suburban	4 door White	1GKEV16KXHF517812
1986	Pontiac/1000	4 door Blue	1G2TL68C3GA217427
1986	Pontiac/1000	4 door White	1G2TL68C1GA208175
1986	Pontiac/1000	4 door Silver	1G2TL68C3GA218335
1986	Ford/Escort	2 door Black	1FABP3194GW124725
1986	Ford/Escort	2 door Gray	1FABP3199GW136949
1985	Ford/LTD	4 door Blue	2FABP43G2FX244205
1989	Dodge/Ram 3500 Van	Blue	2B5WB35Z3KK403347
1987	Dodge/Ram	2 door Blue	3B4GW12W1HM716876
1981	Dodge/Diplomat	4 door Maroon	2B3BM46L6BR152266
1987	Dodge/Ram	2 door White	3B4G212W4HM717947
1995	Jeep/Cherokee	4 door White	1J4FJ6857SL574378
1989	Plymouth/Voyager Van	Brown	1P4FH543XKX583722

BE IT FURTHER RESOLVED that Notice of Auction pursuant to Statute shall be published in the official newspaper of the Township in accordance with law.

CC. 03-032 RESOLUTION - AUTHORIZE RAFFLE/BINGO

WHEREAS, the following have made application to the Township of Franklin, Somerset County, for a Raffle/Bingo License; and

WHEREAS, said applications have been presented to the Mayor and the Chief of Police for Findings and Determinations; and

WHEREAS, the Clerk has reported that the proper fees have been paid;

NOW, THEREFORE, BE IT RESOLVED that the Clerk be instructed to issue a **RAFFLE/BINGO LICENSE** to the following:

REGULAR MEETING – JANUARY 14, 2003**NAME OF ORGANIZATION****DATE OF RAFFLE/BINGO**

Muhlenberg Foundation, Inc.
 Park Ave. & Randolph Rd., Plainfield, NJ
 Off-Premise 50/50 – RL#1372
 Drawing: Somerset Marriott Hotel, Somerset

March 8, 2003
 6:00 pm – 11:30 pm

St. Peter's Medical Center Auxiliary
 254 Easton Avenue, New Brunswick, NJ
 Off-Premise Raffle – RL#1373
 Drawing: DoubleTree Hotel, Somerset

April 2, 2003
 9:00 pm

St. Matthias Home/School Association
 170 JFK Boulevard, Somerset, NJ
 Off-Premise 50/50 – RL#1374
 Drawing: St. Matthias School Cafeteria

March 3, 2003
 7:00 pm – 10:00 pm

RESOLUTION - RELEASE MINUTES - EXECUTIVE SESSIONS

WHEREAS, the Township Council of the Township of Franklin, County of Somerset and State of New Jersey, as permitted by the Open Public meetings Act (NJSA 10:4-6 et. seq.), has conducted meetings closed to the public on matter of:

LAND ACQUISITION – TOTO/ GIERLICH, JENSEN/BOEKHOUT,
 SOMERSET COUNTY
 PERSONNEL – TOWNSHIP MANAGER
 PIZZO & PIZZO VS. FRANKLIN TOWNSHIP AND
 THE FRANKLIN TOWNSHIP SEWERAGE AUTHORITY
 PUBLIC SAFETY – OUT OF ORDER RESIDENTS
 LAND ACQUISITION – SCHOOLHOUSE ROAD RIGHT OF WAY
 ADMINISTRATIVE INSPECTIONS – DRAFT ORDINANCE
 CONTRACT NEGOTIATIONS – CLIFFORD GOLD, C.G. ENGINEERS
 PROPERTY ACQUISITION – PILLAR OF FIRE
 POTENTIAL LITIGATION – SAME-SEX MARRIAGES
 CONTRACT NEGOTIATIONS – NORTH BRUNSWICK WATER

WHEREAS, also in accordance with the Open Public Meetings Act, minutes of closed sessions must be released to the public when:

With respect to litigation, negotiation, collective bargaining and Attorney-Client Privilege at the conclusion of said litigation or negotiations;

With respect to acquisition of property at such time as the property is acquired or the acquisition is abandoned;

With regard to personnel and or employment relationship matters at such time as the affected employee shall authorize the release of such information, and/or in accordance with **South Jersey Pub. Co. v. NJ Expressway Auth., 124 NJ 478 (1991)**.

With respect to matters required by law to be Confidential, Public Safety, receipt of Government Funds or the imposition of a penalty at such time as the need for confidentiality no longer exists.

WHEREAS, minutes of closed sessions involving the such matters set forth below have been determined by the Township Attorney to meet the criteria for release to the public as set forth above;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that Executive Session Meetings heretofore held on the foregoing subjects be and they are hereby released to the public.

REGULAR MEETING – JANUARY 14, 2003**EE. 03-034 RESOLUTION - AUTHORIZE OUT OF STATE TRAINING – CRAIG R. NOVICK, CHIEF OF POLICE – CRIMINAL STREET GANG COURSE, NORTHEAST COUNTERDRUG TRAINING CENTER – FEBRUARY 10-12, 2003**

BE IT AND IT IS HEREBY RESOLVED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that permission is hereby granted for Chief of Police Craig R. Novick, to attend the Criminal Street Gang Course presented by the Northeast Counterdrug Training Center in Ft. Indiantown Gap, Annville PA from February 10-12, 2003 at no cost to the Township; and

BE IT FURTHER RESOLVED that permission is granted to Chief Novick to utilize an unmarked Township police vehicle to provide transportation to said Course.

FF. 03-035 RESOLUTION - WAIVE CONSTRUCTION PERMIT FEES – RARITAN VALLEY HABITAT FOR HUMANITY – 21 ALEX PLACE & 31/35 ALEX PLACE

BE IT AND IT IS HEREBY RESOLVED that the Township Council of the Township of Franklin, County of Somerset, State of New Jersey does hereby waive Zoning, Construction Permit, Street Opening Permit and Inspection Fees (except State Surcharge) for the following property owner as permitted by Section 105-2 of the Code, buildings being constructed by a charitable institution receiving Tax Exempt status under the Internal Revenue Code:

Raritan Valley Habitat for Humanity	
PO Box 6275	100 West Main
Bridgewater, NJ 08807	Somerville, NJ 08876

For the construction of a single family dwelling on Lot 5.01 in Block 137, 21 Alex Place and a two family dwelling on Lots 10.01 and 12.01 in Block 137, 31-35 Alex Place.

GG. 03-036 RESOLUTION - PROFESSIONAL SERVICE - LOUIS N. RAINONE, ESQUIRE - LEGAL SERVICES - TOWNSHIP ATTORNEY - NOVEMBER 1, 2002 TO JUNE 30, 2003 - \$125.00 PER HOUR/AN AMOUNT NOT TO EXCEED \$196,000.00

WHEREAS, a need exists to contract for the below noted services for the Township of Franklin, County of Somerset, New Jersey; and

WHEREAS, the Chief Financial Officer has certified hereon that funds are available; and

WHEREAS, the Municipal Attorney has reviewed the attached certificate of the Chief Financial Officer and is satisfied that said certificate is in proper form; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40:11-1 et seq.) requires that the resolution authorizing the award of contracts for "PROFESSIONAL SERVICES" without competitive bids must be publicly advertised;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset, as follows:

- (1) The Mayor and Township Clerk are hereby authorized and directed to execute the below referenced agreement with the below stated vendor, which agreement shall be maintained on file with the Township Clerk and available for public inspection.
- (2) This agreement is awarded without competitive bidding as a "PROFESSIONAL SERVICE" under the provisions of the Local Public Contracts Law because it is a recognized profession licensed and regulated by law and it is not possible to obtain competitive bids.
- (3) A notice of this action shall be printed in the LEGAL NEWSPAPER OF TOWNSHIP as required by law within ten (10) days of its passage.
- (4) The vendor shall supply the Township of Franklin with Federal Affirmative Action Plan Approval or State Certificate of Employee Information Report within the time period specified by NJAC 17:27. The Contract shall contain the Mandatory Affirmative Action Language for Professional Service

REGULAR MEETING – JANUARY 14, 2003

Contracts required by NJAC 17:27, a copy of which shall be attached to and incorporated in the Professional Service Agreement authorized herein.

- (5) The vendor shall agree to comply with the requirements of Title II of the Americans with Disabilities Act of 1990 and indemnify, protect and save harmless the Township the Township from all suits, claims, losses, demands or damages of whatever kind or nature arising out of or claimed to arise out of alleged violations of the Act. A copy of the Act shall be attached to and incorporated in the Professional Service Agreement authorized herein.

VENDOR NAME: LOUIS N. RAINONE, ESQUIRE

DeCOTIIS, FITZPATRICK & COLE & WISLER, LLP

ADDRESS: Glenpointe Center West, 500 Frank W. Burr Blvd. Teaneck NJ 07666

CONTRACT AMOUNT: \$125.00 per hour/An amount not to exceed \$196,000.00 in addition to the retainer provided in the Salary Ordinance for Meeting Attendance.

SERVICE: Legal Services for the Township of Franklin, in the County of Somerset as Township Attorney for the period November 1, 2002 to June 30, 2003.

HH. 03-037 RESOLUTION - PROFESSIONAL SERVICE - DMR ARCHITECTS - ARCHITECTURAL & ENGINEERING SERVICES/EXPANSION OF ANIMAL CONTROL FACILITY - AN AMOUNT NOT TO EXCEED \$44,800.00 PLUS \$4,500.00 FOR REIMBURSEABLE EXPENSES

WHEREAS, a need exists to contract for the below noted services for the Township of Franklin, County of Somerset, New Jersey; and

WHEREAS, the Chief Financial Officer has certified in writing hereon that funds are available; and

WHEREAS, the Municipal Attorney has reviewed the certification of the Chief Financial Officer and is satisfied that said certification is in proper form; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40:11-1 et seq.) requires that the resolution authorizing the award of contracts for "PROFESSIONAL SERVICES" without competitive bids must be publicly advertised;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset, as follows:

- (1) The Mayor and Township Clerk are hereby authorized and directed to execute the below referenced agreement with the below stated vendor, which agreement shall be maintained on file with the Township Clerk and available for public inspection.
- (2) This agreement is awarded without competitive bidding as a "PROFESSIONAL SERVICE" under the provisions of the Local Public Contracts Law because it is a recognized profession licensed and regulated by law and it is not possible to obtain competitive bids.
- (3) A notice of this action shall be printed in the **LEGAL NEWSPAPER OF THE TOWNSHIP** as required by law within ten (10) days of its passage.
- (4) The vendor shall supply the Township of Franklin with Federal Affirmative Action Plan Approval or State Certificate of Employee Information Report within the time period specified by NJAC 17:27. The Contract shall contain the Mandatory Affirmative Action Language for Professional Service Contracts required by NJAC 17:27, a copy of which shall be attached to and incorporated in the Professional Service Agreement authorized herein.
- (5) The vendor shall agree to comply with the requirements of Title II of the Americans with Disabilities Act of 1990 and indemnify, protect and save harmless the Township from all suits, claims, losses, demands or damages of whatever kind or nature arising out of or claimed to arise out of alleged violations of the Act. A copy of the Act shall be attached to and incorporated in the Professional Service Agreement authorized herein.

VENDOR NAME: DMR ARCHITECTS

REGULAR MEETING – JANUARY 14, 2003

ADDRESS: 99 Essex Street Maywood NJ 07607
CONTRACT AMOUNT: \$44,800.00 plus \$4,500 for reimbursable expenses
SERVICE: Architectural and Engineering Services for Addition and Alteration to the Franklin Township Animal Control Facility in accordance with November 28, 2001 Proposal on file with the Township Clerk.

II. 03-038 RESOLUTION - PERFORMANCE GUARANTEE RELEASE – BRIAR MANOR DEVELOPERS, LLC - DOCKET NO. P98070P - \$689,568.00

WHEREAS, the Township Clerk of the Township of Franklin, Somerset County, New Jersey 08873 has received the following:

ITEM: PERFORMANCE BOND
NAME OF APPLICANT: BRIAR MANOR DEVELOPERS LLC
ADDRESS OF APPLICANT: 812 Central Avenue Westfield NJ 07090
NUMBER: SD00004431
INSURANCE CO./BANK: Frontier Insurance Company New York NY
IN THE AMOUNT OF: \$689,568.00

FOR: Site Improvements for Docket No. P98070P - Block 34.08/Lots 58, Vliet Road; and

WHEREAS, the aforesaid applicant has requested release of the aforesaid Performance Guarantee; and

WHEREAS, the Township Engineer, after inspection, recommends release of the aforesaid Performance Guarantee;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the aforesaid Performance Guarantee be released to the above named applicant.

JJ. 03-039 RESOLUTION - RELEASE OF ESCROW MONIES – BRIAR MANOR DEVELOPERS / BRIAR MEADOW/ASTOR COURT - DOCKET NO. P98070P - \$461.00 & ARANY LLC – DOCKET #P97065PD - \$1,260.30

WHEREAS, the Township of Franklin, Somerset County has received escrow monies for purposes of anticipated inspection fees as noted below; and

WHEREAS, the project has been completed and the Township Engineer has certified to the Township Clerk the amount of money charged against the escrow and has recommended that the balance remaining as set forth be returned to the applicant:

APPLICANT: BRIAR MANOR DEVELOPERS/BRIAR MEADOW ASTOR COURT
ADDRESS: 812 Central Avenue
Westfield NJ 07090

DOCKET NO: P98070P
BLOCK/LOT: 34.08/58
LOCATION: Vliet Road
AMOUNT DEPOSITED: \$14,000.00
AMOUNT CHARGED: 13,539.00
AMOUNT TO BE REFUNDED: \$ 461.00

APPLICANT: ARANY LLC
ADDRESS: 24 Livingston Avenue
New Brunswick, NJ 08901

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DOCKET NO: P97065PD
 BLOCK/LOT: 90/9 & 10
 LOCATION: 8 Veronica Avenue
 AMOUNT DEPOSITED: \$ 9,478.80
 AMOUNT CHARGED: 8,218.50
 AMOUNT TO BE REFUNDED: \$ 1,260.30

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the remaining escrow monies be returned to the above named applicant; and

BE IT FURTHER RESOLVED that the Chief Financial Officer be and is hereby directed to refund the escrow amounts herein.

Motion was made by Mr. Chivukula and seconded by Mr. Mazzola. Township Clerk Pellicane polled the Board, the vote being as follows:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>
Ms. Barrier	Mr. Levine	No One	No One
Mr. Chivukula	Mr. Mazzola		
Ms. Eberle	Mr. McKenzie		<u>ABSENT</u>
Mr. Grippo	Mr. Mettler		
	Mayor Sumter	No One	

Motion was carried.

D. RESOLUTION – ADJUST WATER CHARGES – FIRST INDUSTRIAL

Mr. Levine noted that the reason for this request to reduce of water charges is because the overage resulted from a running toilet in an unoccupied office. It is the responsibility of a property owner to maintain their facilities and the cost is not exorbitant.

Township Manager Daly noted that while past precedence has been for Council to remit the cost of the water over and above our cost to purchase, the decision must be made by the Council. When such problems occur, the Township always checks the water meter to insure that the problem is not the result of an inaccurate meter reading.

RESOLUTION – ADJUST WATER CHARGES - BLOCK 7/LOT 4 - \$468.10

WHEREAS, First Industrial has an unusually high water charge for the quarter July, 2001 in the amount of \$1,366.84 for the property known as Block 468.10/Lot 7, Sub Account 4; and

WHEREAS, it has been determined that the high usage is the result of a running toilet; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the Collector of Revenue is hereby directed to adjust the aforesaid water charges to reflect the charges for said water paid by the Township to its bulk supplier, specifically a reduction to \$563.82.

Motion was made by Mr. Chivukula and seconded by Mr. McKenzie. Township Clerk Pellicane polled the Board, the vote being as follows:

<u>NAYS</u>	<u>NAYS</u>	<u>AYES</u>	<u>ABSTAIN</u>
Ms. Barrier	Mr. Levine	No One	No One
Mr. Chivukula	Mr. Mazzola		
Ms. Eberle	Mr. McKenzie		<u>ABSENT</u>
Mr. Grippo	Mr. Mettler		
	Mayor Sumter		No One

Motion was defeated.

REGULAR MEETING – JANUARY 14, 2003**J. 03-013 RESOLUTION – DEVELOPERS AGREEMENT – BARBIERI BUILDERS, INCORPORATED, DETENTION BASINS**

Mr. Mazzola noted a recent unsatisfactory experience with a similar situation and that it is not good public policy to allow a detention basin to be the responsibility of a small group of taxpayers instead of the Township. If the homeowners association does not fulfill its obligations, the Township will be forced to do the maintenance and place a lien on the property.

Township Manager Daly noted that this matter was discussed at the Work Session and Mr. Mazzola did not raise these objections at that time.

In response to a question from Mrs. Barrier, Township Manager Daly advised that the Township has an ordinance setting forth the amount the Township charges developers for detention basin maintenance based on the pro-rated cost of having our Department of Public Works employees and equipment perform the maintenance. The cost ranges from \$1,000 to \$1,500 a year depending on the size of the basin.

Township Attorney Rainone noted that if the Developer's Agreement is not authorized, the Township will be required to maintain the basin now. By ordinance introduced this evening, the Township is waiving the portion of our Development Ordinance which requires them to give the Township the basin on a separate lot. Refusal to grant this waiver would result in the developer losing one lot or seeking a variance to develop the same number but smaller lots.

J. 03-013 RESOLUTION - DEVELOPERS AGREEMENT - BARBIERI BUILDERS, INCORPORATED - DETENTION BASINS

WHEREAS, on October 17, 2001 the Franklin Township Planning Board granted preliminary and final approval to Barbieri Builders, Incorporated for property known as Block 11.01/Lots 15 and 16 as shown on the Tax Map of the Township of Franklin located on Route 27 in the RR-3 Zone pursuant to the resolution approval dated October 17, 2001; and

WHEREAS, pursuant to Condition No. 7 of the Resolution of Approval, the Applicant was required to submit a Detention Basin Escrow and convey the property containing the detention basins to the Township; and

WHEREAS, the Developer has applied to the Franklin Township Planning Board for relief of said condition on September 12, 2002, so that a Homeowners Association can be formed to own and maintain the two (2) detention basins located on Lots 16.15 and 16.17 in Block 11.01 (formerly Lots 15 & 16) and the Township has agreed to permit the formation of a Homeowners Association for the above stated purpose in accordance with the Residential Site Improvement Standards;

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey does hereby authorize the Mayor and Township Clerk to execute on its behalf a Developers Agreement with Barbieri Builders, Incorporated permitting Barbieri Builders, Incorporated to create a Homeowners Association for the purpose of owning and maintaining the above referenced two detention basins and setting forth the obligations of all property owners within the development to become parties to the Homeowners Association, language to be placed in the deeds for said properties and recourse for the Township of Franklin for failure to abide by said Developers Agreement by future owners of the subject properties within the development.

Motion was made by Mr. Chivukula and seconded by Deputy Mayor Grippo. Township Clerk Pellicane polled the Board, the vote being as follows:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>
Mr. Chivukula	Mr. McKenzie	Ms. Barrier	No One
Mayor Eberle	Mayor Sumter	Mr. Levine	
Mr. Grippo		Mr. Mazzola	<u>ABSENT</u>
		Mr. Mettler	
Motion was carried.			No One

REGULAR MEETING – JANUARY 14, 2003**19. COUNCIL COMMENTS**

Ms. Barrier noted that the Reorganization Meeting was being video taped at someone's behest and the need to get Council meetings televised on Channel 14. Deputy Mayor Grippo noted that he will bring this issue to the Cable Television Committee.

Mr. Mazzola thanked Assemblyman Chivukula for the carved elephants gifts he purchased on a recent trip to India and presented to members of Council.

Mr. Levine noted a newspaper article about New Brunswick's consideration to putting a new high school on Route 27 opposite our Redevelopment Area, the possibility of horrendous traffic and pedestrian problems this location would cause and the impact on the quality of life for our residents and businesses. Mr. Levine noted the need for Franklin to monitor this situation.

Mr. Chivukula announced that the Township will receive a Homeland Security Grant from the State in the amount of \$46,715.00.

Deputy Mayor Grippo noted potential problems experienced this evening with the decorum of members of the public in attendance and the need for some standards.

Township Manager Daly advised that tax bills for the 1st and 2nd quarters of 2003 will be mailed to property owners shortly. The Council has asked in the past that all tax bills include a graph illustrating the portion of the tax bill devoted to each entity receiving a portion of the taxes, i.e., Board of Education, County, Fire Districts, Open Space. The company preparing our bills for 2003 has advised that such graphs can only be done for the 3rd and 4th quarter bills. Since the 1st and 2nd quarter bills are estimated only, the only separation that can be on the bills is municipal versus non-municipal.

Upon a motion made, seconded and unanimously agreed, the Regular Meeting was adjourned at 10:56 p.m.

WILLIS SUMTER, MAYOR

JEAN C. PELLICANE, RMC, TOWNSHIP CLERK