

**REGULAR MEETING OF THE TOWNSHIP COUNCIL  
TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, NEW JERSEY  
FEBRUARY 10, 2004**

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 7:30 p.m.

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

Everyone present participated in the Salute to the Flag and an invocation led by Ms. Eberle.

**CALL TO ORDER**

The Township Clerk called the roll.

Present: Mr. Chivukula, Ms. Eberle, Mayor Levine, Deputy Mayor McKenzie, Mr. Regan, Mr. Sumter, Mr. Unger.

Absent: Ms. Ashley-Williams and Mr. Schrum

Also Present: Louis N. Rainone, Esq., Township Attorney; Kenneth W. Daly, Township Manager; Ann Marie McCarthy, RMC, CMC, Township Clerk

**COMMENDATION**

*Joint Legislative Resolution to Kenneth W. Daly*

Mr. Chivukula presented and read the following Joint Legislative Resolution by Senator Smith and Assemblymen Chivukula and Egan honoring Township Manager Kenneth M. Daly:

**WHEREAS**, The Senate and General Assembly of the State of New Jersey are pleased to join in honoring and saluting Kenneth W. Daly, an esteemed member of his Garden State community, in recognition of his accomplishments in behalf of the Township of Franklin, Somerset County; and

**WHEREAS**, Since 1999, Kenneth W. Daly has served with distinction as the Franklin Township Manager and the depth of his knowledge and the breadth of his experience have contributed immeasurably to the successful functioning of the municipality of Franklin Township; and

**WHEREAS**, Kenneth W. Daly is renowned and respected for his innovative use of shared services thereby saving more than \$1 million in taxpayer resources; and

**WHEREAS**, In addition, Kenneth W. Daly's many accomplishments as the Franklin Township Manager include a trunked radio system with Somerset County, the establishment of the Somerset County Improvement Authority, and savings for the Franklin Township Board of Education and the Millstone Municipal Court and Zoning Services; and

**WHEREAS**, Throughout his career in civil service, Kenneth W. Daly has set a standard of excellence and, in so doing, provided a model of faithful commitment worthy of emulation; now, therefore,

*Be It Resolved by the Senate and General Assembly of the State of New Jersey:*

That this Legislature hereby honors and commends Kenneth W. Daly, salutes his distinguished record of dedication and leadership, and expresses sincere best wishes for continued success in all future endeavors; and

*Be It Further Resolved*, That a duly authenticated copy of this resolution, signed by the Senate Presidents and the Assembly Speaker and attested by the Senate Secretary and the Assembly Clerk, be transmitted to Kenneth W. Daly.

Attest:	/s/ John O. Bennett, President of the Senate
/s/ Donna M. Phelps, Secretary of the Senate	/s/ Richard J. Codey, President of the Senate
/s/ Christine Riebe, Clerk of the General Assembly	/s/ Albio Sires, Speaker of the General Assembly

**GREEN ACRES APPLICATION PUBLIC HEARING**  
*Middlebush Park Improvements*

Bonnie von Ohlen, Grants Coordinator stated the purpose of this hearing is to discuss the Township's application for a grant and loan for Phase I of the Middlebush Park project. She announced that notice of this meeting was provided in the Courier News as a legal notice and as a display ad in the *Courier News*. The Township is applying for a NJDEP *Green Acres Outdoor Recreation Development Grant/Loan* in the amount of \$262,220. A preliminary plan is posted here for review. The approved Phase I concept plan includes:

- soccer field
- football field
- a nature trail
- an access road
- parking lot , and
- a playground.

The Park will be located on 81-acres adjacent to the Municipal Complex. The field's development will be paid for by private funds. The Township has recently been classified as a 'densely populated' municipality which makes it eligible for a 25% grant, 75% low-interest (2%) loan. Any funds received would be used to offset funds earmarked to implement Phase I.

The park is designed to preserve the site's natural resources with facilities clustered in order to share parking and other infrastructure improvements. Like all public space in the Township, the site will be included in the Township's Recreation and Open Space Inventory (or ROSI) and use of the site will be limited to recreational purposes.

Ms. von Ohlen asked if anyone had any comments or questions that specifically pertain to the Township's application for Phase I of Middlebush Park improvements as just mentioned.

**MOTION – Open Green Acres Application Public Hearing**

A motion was made by Mr. Chivukula and seconded by Deputy Mayor McKenzie to open the public hearing on the Green Acres Application – Middlebush Park Improvements. Said motion carried as unanimously upon voice vote.

Florence Van Pelt, 31 Hillview Avenue stated the improvements to the park are needed and the grant money will help great deal to get park in condition the Township desires.

Diane Negri, 110 Ambrose Street, supported the grant application, stating the Township has expanded and is in need of more places for children to play and for organized activities.

Shirley Pietrucha, 49 9<sup>th</sup> Street, stated the public hearing was not listed on the draft agenda discussed at the February 3<sup>rd</sup> agenda meeting. Township Attorney Louis Rainone replied that the public hearing was properly noticed separately from the Council meeting. Ms. von Ohlen stated the notices were published as required 30 days and 10 days prior to the

hearing date. Ms. Pietrucha stated if more people were aware of the public hearing, there would have been more people in attendance tonight.

Tom Malone, 68 Lindsey Court, supported the grant application, noting that park improvements are needed to get children on the fields.

John P. Grosso, 127 Winchester Way, asked if the skateboard park was part of the grant. Ms. von Ohlen replied in the negative. Mr. Grosso supported the grant application, stating the Township needs ore parks and recreation for young people because they are our future leaders and we need to show concern for their welfare.

Harold Leventhal, 360 DeMott Lane, expressed his disappointment the skateboard park is not included in grant application because the children really need it and recommended that it be placed as a high priority.

John McConville, 5 Stone Leigh Way, asked if the Township had a master plan that tracked recreation areas and improvements and where the money was going so that it is not spent haphazardly. Mr. McConville asked if two soccer fields were being constructed on Weston Canal Road. Mr. Daly replied the fields are scheduled to be constructed at the corner of Weston and Cedar Grove Road as part of the developer's agreement. Mr. Daly stated there is an overall recreation master plan for the Township that is referred to by the Recreation Council and Planning Board. The Planning Board has started to update the Township's Master Plan.

Mr. Daly emphasized the grant application is to use other money for what the Township has already committed to with taxpayers money. He stated there is no change of scope or project.

#### **MOTION – Close the Green Acres Grant Application Public Hearing**

A motion was made by Deputy Mayor McKenzie and seconded by Mr. Chivukula to close the public hearing on the Green Acres Grant Application for Middlebush Park Improvements. Said motion carried unanimously upon voice vote.

#### **APPROVAL OF MINUTES**

*Regular Meetings - January 13, 2004 and January 27, 2004*

*Council Retreat - January 25, 2004*

Corrections were made by Mr. Regan and Mr. Chivukula to the January 13<sup>th</sup> Regular Meeting Minutes.

Upon motion by Mr. Chivukula and second by Mr. Regan, the minutes of the Regular Meetings of January 13, 2004 and January 27, 2004 and the Council Retreat of January 25, 2004 were approved as amended unanimously upon voice vote.

#### **WARRANTS**

Read by Mayor Levine:

1	Current	5,602,704.45
5	Water Operating	120,646.79
6	Water Capital	
4	General Capital	11,392.84
15	General Trust	528.91
18	Self Insurance Trust	2,614.46
21	Recreation Trust	212.80
12	Open Space Trust	463.00
2	Grant	63,997.87
3	Collector Trust	7,066.74

13	Redevelopment Agency	5,327.78
	SUB-TOTAL	5,815,168.85
	Escrow Account	111,579.33
	GRAND TOTAL	\$5,926,748.18

Motion was made by Deputy Mayor McKenzie and seconded by Mr. Chivukula to approve the Warrants. Township Clerk McCarthy polled the Mayor and Council, the vote being as follows:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Chivukula	Eberle			Ashley-Williams
Levine	McKenzie			Schrum
Regan	Sumter			
Unger				

Motion was carried.

**ORDINANCES, PUBLIC HEARING**

**Ordinance No. 3415**

Mayor Levine offered the following ordinance:

**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.**

Mayor Levine stated this ordinance is called up for second reading and final passage. The Township Attorney has approved the Affidavit of Publication and a public hearing is in order.

A motion was made by Mr. Chivukula to open the public hearing on the aforesaid ordinance. Said motion was seconded by Deputy Mayor McKenzie and carried unanimously upon voice vote.

There being no comments from the public, a motion was made by Mr. Chivukula to close the public hearing on the aforesaid ordinance. Said motion was seconded by Mr. Sumter and carried unanimously upon voice vote.

A motion was made by Mr. Chivukula to adopt the ordinance on final passage and publication in accordance with law. Said motion was seconded by Deputy Mayor McKenzie and carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Chivukula	Eberle			Ashley-Williams
Levine	McKenzie			Schrum
Regan	Sumter			
Unger				

**Ordinance No. 3416**

Mayor Levine offered the following resolution:

**AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY MORE PARTICULARLY CHAPTER 112 DEVELOPMENT, ZONING DISTRICTS, SECTION 112-6A ESTABLISHMENT OF**

**ZONING DISTRICTS AND CHAPTER 112 DEVELOPMENT, PURPOSE OF DISTRICTS  
SECTION 112-6D-20 – AC AGRICULTURAL CLUSTER**

Mayor Levine stated this ordinance is called up for second reading and final passage. The Township Attorney has approved the Affidavit of Publication and a public hearing is in order.

A motion was made by Deputy Mayor McKenzie to open the public hearing on the aforesaid ordinance. Said motion was seconded by Mr. Chivukula and carried unanimously upon voice vote.

There being no comments from the public, a motion was made by Mr. Sumter to close the public hearing on the aforesaid ordinance. Said motion was seconded by Mr. Chivukula and carried unanimously upon voice vote.

A motion was made by Mr. Chivukula to adopt the ordinance on final passage and publication in accordance with law. Said motion was seconded by Deputy Mayor McKenzie and carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Chivukula	Eberle			Ashley-Williams
Levine	McKenzie			Schrum
Regan	Sumter			
Unger				

**Ordinance No. 3417**

Mayor Levine offered the following ordinance:

**ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 115, DOG AND OTHER ANIMALS, SECTION 115-25, FEES**

Mayor Levine stated this ordinance is called up for second reading and final passage. The Township Attorney has approved the Affidavit of Publication and a public hearing is in order.

A motion was made by Mr. Chivukula to open the public hearing on the aforesaid ordinance. Said motion was seconded by Mr. Sumter and carried unanimously upon voice vote.

John P. Grosso, 1 Winchester Way, asked what the new fees are and how much have they been increased. Mr. Daly replied the fees have been increased as follows:

Daily Boarding Fee from \$5 to \$10 for impounded animal plus redemption fee.  
Cat Euthanasia Fee from \$15 to \$25  
Small Dog Euthanasia Fee from \$25 to \$30  
Large Dog Euthanasia Fee from \$30 to \$40  
Limited Pet Shop from \$10 to \$100  
Pet Shop – Sale of Cats & Dogs from \$10 to \$150

Mr. Gross stated he does not understand why the fees need to be increased. Mr. Daly replied the fees are being increased to cover the increased costs associated with these services. Mr. Grosso stated he feels it is not reasonable to increase the fees.

Chip Hoover, 9 Stallion Court, commended the Council for off-setting tax payer money with user fees.

A motion was made by Mr. Chivukula to adopt the ordinance on final passage and publication in accordance with law. Said motion was seconded by Deputy Mayor McKenzie and carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Chivukula	Eberle			Ashley-Williams
Levine	McKenzie			Schrum
Regan	Sumter			
Unger				

(Mr. Regan voted in the affirmative with the statement that increasing user fees to cover the costs is the fair instead of passing the costs to the taxpayers.)

**Ordinance No. 3418**

Mayor Levine offered the following ordinance:

**ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 127, FEES – SECTION 127-6, FEE SCHEDULE FOR HEALTH DEPARTMENT – EFFECTIVE JANUARY 1, 2004 (VITAL RECORDS - \$10.00; BURIAL PERMIT - \$1.00)**

Mayor Levine stated this ordinance is called up for second reading and final passage. The Township Attorney has approved the Affidavit of Publication and a public hearing is in order.

A motion was made by Deputy Mayor McKenzie to open the public hearing on the aforesaid ordinance. Said motion was seconded by Mr. Regan and carried unanimously upon voice vote.

There being no comments from the public, a motion was made by Deputy Mayor McKenzie to close the public hearing on the aforesaid ordinance. Said motion was seconded by Mr. Sumter and carried unanimously upon voice vote.

A motion was made by Mr. Chivukula to adopt the ordinance on final passage and publication in accordance with law. Said motion was seconded by Mr. Sumter and carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Chivukula	Eberle			Ashley-Williams
Levine	McKenzie			Schrum
Regan	Sumter			
Unger				

**Ordinance No. 3419**

Mayor Levine offered the following ordinance:

**ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 214, SWIMMING POOLS – SECTION 1 LICENSE REQUIRED FOR PUBLIC OR QUASI-PUBLIC POOLS AND BEACHES; FEES; REGULATIONS; TERMS; REVOCATION – SET FEE POOL PLAN REVIEW - \$100.00**

Mayor Levine stated this ordinance is called up for second reading and final passage. The Township Attorney has approved the Affidavit of Publication and a public hearing is in order.

A motion was made by Deputy Mayor McKenzie to open the public hearing on the aforesaid ordinance. Said motion was seconded by Mr. Chivukula and carried unanimously upon voice vote.

John P. Grosso, 1 Winchester Way, asked where the beaches were in Franklin Township. Mr. Daly replied that the term “beaches” is used as general terminology in the ordinance. Mr. Grosso asked if the fees are for public pools. Mr. Daly replied in the affirmative.

Shirley Pietrucha, 49 9<sup>th</sup> Street, asked for clarification regarding who administers the license, is the license is a new requirement and is it the same for all types of public pools. Mr. Daly replied that the license is not new; it is the same and it is administered by the Health Department.

Robert Mettler, 2303 Amwell Road, reminded everyone that during election season there was a photograph of a large lake – that is where one would find the beaches.

A motion was made by Deputy Mayor McKenzie to close the public hearing on the aforesaid ordinance. Said motion was seconded by Mr. Sumter and carried unanimously upon voice vote.

A motion was made by Mr. Chivukula to adopt the ordinance on final passage and publication in accordance with law. Said motion was seconded by Mr. Sumter and carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Chivukula	Eberle			Ashley-Williams
Levine	McKenzie			Schrum
Regan	Sumter			
Unger				

**Ordinance No. 3420**

Mayor Levine offered the following ordinance:

**AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY MORE PARTICULARLY CHAPTER 226, VEHICLES & TRAFFIC – SECTOPN 226-4, PENALTIES**

Mayor Levine stated this ordinance is called up for second reading and final passage. The Township Attorney has approved the Affidavit of Publication and a public hearing is in order.

A motion was made by Mr. Chivukula to open the public hearing on the aforesaid ordinance. Said motion was seconded by Mr. Sumter and carried unanimously upon voice vote.

There being no comments from the public, a motion was made by Deputy Mayor McKenzie to close the public hearing on the aforesaid ordinance. Said motion was seconded by Mr. Chivukula and carried unanimously upon voice vote.

A motion was made by Deputy Mayor McKenzie to adopt the ordinance on final passage and publication in accordance with law. Said motion was seconded by Mr. Chivukula and carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Chivukula	Eberle			Ashley-Williams
Levine	McKenzie			Schrum
Regan	Sumter			
Unger				

(Mr. Regan voted in the affirmative clarifying that these are not new increases to traffic violations, these are assessing where the fees are sent -- \$1.00 goes to auticism research and \$2.00 goes to cancer research.)

**Ordinance No. 3421**

Mayor Levine offered the following ordinance:

**AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, SOMERSET COUNTY, NEW JERSEY, MORE PARTICULARLY CHAPTER 226, VEHICLES & TRAFFIC – SECTION 226-17, VEHICLES OVER DESIGNATED WEIGHT EXCLUDED (SOUTH DOVER AVENUE)**

Mayor Levine stated this ordinance is called up for second reading and final passage. The Township Attorney has approved the Affidavit of Publication and a public hearing is in order.

At this time, Mr. Daly and Mr. Rainone informed the Council that Ordinance #3421 needs to be amended because South Dover Avenue is listed in the title but not in the main body of the ordinance.

A motion was made by Mr. Chivukula to amend Ordinance No. 3421 to include South Dover Road in the body of the ordinance and authorized the re-advertisement of the ordinance and schedule the public hearing for March 9, 2004. Said motion was seconded by Mr. Sumter and carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Chivukula	Eberle			Ashley-Williams
Levine	McKenzie			Schrum
Regan	Sumter			
Unger				

A motion was made by Mr. Chivukula to table Ordinance No. 3421 to March 9, 2004. Said motion was seconded by Ms. Eberle and carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Chivukula	Eberle			Ashley-Williams
Levine	McKenzie			Schrum
Regan	Sumter			
Unger				

**Ordinance No. 3422**

Mayor Levine offered the following ordinance:

**AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY AUTHORIZING ACCEPTANCE FROM THE WOODLANDS AT SOMERSET, LLC OF FIFTEEN (15) DRAINAGE & ACCESS EASEMENTS**

Mayor Levine stated this ordinance is called up for second reading and final passage. The Township Attorney has approved the Affidavit of Publication and a public hearing is in order.

A motion was made by Mr. Chivukula to open the public hearing on the aforesaid ordinance. Said motion was seconded by Mr. Sumter and carried unanimously upon voice vote.

There being no comments from the public, a motion was made by Mr. Sumter to close the public hearing on the aforesaid ordinance. Said motion was seconded by Ms. Eberle and carried unanimously upon voice vote.

A motion was made by Mr. Chivukula to adopt the ordinance on final passage and publication in accordance with law. Said motion was seconded by Mr. Sumter and carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Chivukula	Eberle			Ashley-Williams
Levine	McKenzie			Schrum
Regan	Sumter			
Unger				

**Ordinance No. 3423**

Mayor Levine offered the following ordinance:

**AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY AUTHORIZING ACCEPTANCE FROM THE PALACE AT SOMERSET PARK OF ONE (1) EMERGENCY ACCESS EASEMENT; ONE (1) STREAM CORRIDOR PRESERVATION EASEMENT; RIGHT OF WAY DEDICATION (BLOCK 502.01/LOTS 5 & 53.01)**

Mayor Levine stated this ordinance is called up for second reading and final passage. The Township Attorney has approved the Affidavit of Publication and a public hearing is in order.

A motion was made by Mr. Chivukula to open the public hearing on the aforesaid ordinance. Said motion was seconded by Mr. Unger and carried unanimously upon voice vote.

There being no comments from the public, a motion was made by Mr. Sumter to close the public hearing on the aforesaid ordinance. Said motion was seconded by Mr. Regan and carried unanimously upon voice vote.

A motion was made by Mr. Chivukula to adopt the ordinance on final passage and publication in accordance with law. Said motion was seconded by Mr. Sumter and carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Chivukula	Eberle			Ashley-Williams
Levine	McKenzie			Schrum
Regan	Sumter			
Unger				

**Ordinance No. 3424**

Mayor Levine offered the following ordinance:

**AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY AUTHORIZING ACCEPTANCE FROM THE BOC GROUP, INCORPORATED OF DEED FOR BLOCK 528.04/LOT 130**

Mayor Levine stated this ordinance is called up for second reading and final passage. The Township Attorney has approved the Affidavit of Publication and a public hearing is in order.

A motion was made by Mr. Chivukula to open the public hearing on the aforesaid ordinance. Said motion was seconded by Mr. Unger and carried unanimously upon voice vote.

There being no comments from the public, a motion was made by Mr. Chivukula to close the public hearing on the aforesaid ordinance. Said motion was seconded by Mr. Unger and carried unanimously upon voice vote.

A motion was made by Mr. Chivukula to adopt the ordinance on final passage and publication in accordance with law. Said motion was seconded by Mr. Sumter and carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Chivukula	Eberle			Ashley-Williams
Levine	McKenzie			Schrum
Regan	Sumter			
Unger				

**Ordinance No. 3425**

Mayor Levine offered the following ordinance:

**AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY AUTHORIZING ACCEPTANCE FROM MORRISON ESTATES II (BARBIERI BROTHERS) OF TWO (2) SIGHT TRIANGLE EASEMENTS; TWO (2) DRAINAGE & ACCESS EASEMENTS; FIVE (5) CONSERVATION EASEMENTS (BLOCK 11.01/LOTS 15 & 16)**

Mayor Levine stated this ordinance is called up for second reading and final passage. The Township Attorney has approved the Affidavit of Publication and a public hearing is in order.

A motion was made by Mr. Chivukula to open the public hearing on the aforesaid ordinance. Said motion was seconded by Mr. Sumter and carried unanimously upon voice vote.

There being no comments from the public, a motion was made by Mr. Sumter to close the public hearing on the aforesaid ordinance. Said motion was seconded by Mr. Regan and carried unanimously upon voice vote.

A motion was made by Mr. Chivukula to adopt the ordinance on final passage and publication in accordance with law. Said motion was seconded by Mr. Sumter and carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Chivukula	Eberle			Ashley-Williams
Levine	McKenzie			Schrum
Regan	Sumter			
Unger				

**Ordinance No. 3426**

Mayor Levine offered the following ordinance:

**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/OFFICIALS (MAYOR & TOWNSHIP COUNCIL)**

Mayor Levine stated this ordinance is called up for second reading and final passage. The Township Attorney has approved the Affidavit of Publication and a public hearing is in order.

A motion was made by Mr. Chivukula to open the public hearing on the aforesaid ordinance. Said motion was seconded by Mr. Sumter and carried unanimously upon voice vote.

John McConville, 5 Stone Leigh Way, asked what the percentage of the increase is and were there any givebacks. Mr. Daly replied it is a two percent (2%) increase and there were no givebacks because the ordinance only increases the Mayor and Council salaries.

A motion was made by Mr. Sumter to close the public hearing on the aforesaid ordinance. Said motion was seconded by Mr. Chivukula and carried unanimously upon voice vote.

A motion was made by Deputy Mayor McKenzie to adopt the ordinance on final passage and publication in accordance with law. Said motion was seconded by Mr. Chivukula and carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Chivukula	Eberle	Unger		Ashley-Williams
Levine	McKenzie			Schrum
Regan	Sumter			

(Mr. Regan voted in the affirmative with the statement that the 2004 Mayor salary is \$9384 and the 2004 Council salary is \$7752.)

**Ordinance No. 3427**

Mayor Levine offered the following ordinance:

**AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY MORE PARTICULARLY CHAPTER 44 PERSONNEL POLICIES – SECTION 44-12, RETIREMENT BENEFITS SECTION 44-12 E HOSPITAL AND MEDICAL CARE BENEFITS FOR DEPENDENTS OF RETIREES**

Mayor Levine stated this ordinance is called up for second reading and final passage. The Township Attorney has approved the Affidavit of Publication and a public hearing is in order.

A motion was made by Mr. Chivukula to open the public hearing on the aforesaid ordinance. Said motion was seconded by Mr. Sumter and carried unanimously upon voice vote.

John P. Grosso, 1 Winchester Way, asked if the dependent benefits included children and to what age. Mr. Daly replied this ordinance provides health coverage to a spouse after the retired employee has passed away. The retired employee had to be eligible for health benefits after retirement and it only applies to the spouse that was married to the employee at the time of retirement. Mr. Daly added that usually at this point, the Township's health coverage acts as a supplement to medicare.

A motion was made by Mr. Chivukula to close the public hearing on the aforesaid ordinance. Said motion was seconded by Mr. Sumter and carried unanimously upon voice vote.

A motion was made by Deputy Mayor McKenzie to adopt the ordinance on final passage and publication in accordance with law. Said motion was seconded by Mr. Chivukula and carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Chivukula	Eberle			Ashley-Williams
Levine	McKenzie			Schrum
Regan	Sumter			
Unger				

Ordinance No. 3428

Mayor Levine offered the following ordinance:

**BOND ORDINANCE AMENDING AND SUPPLEMENTING BOND ORDINANCE NUMBER 3345 HERETOFORE FINALLY ADOPTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP ON DECEMBER 10, 2002 ENTITLED, "BOND ORDINANCE PROVIDING FOR THE DESIGN AND CONSTRUCTION DOCUMENT PREPARATION RELATING TO THE IMPROVEMENT AND EXPANSION OF THE TOWNSHIP ANIMAL CONTROL FACILITIES, BY AND IN THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$52,500 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$49,800 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COSTS THEREOF," TO INCREASE THE APPROPRIATION THEREIN BY \$587,000, TO INCREASE THE AUTHORIZATION OF BONDS OR NOTES THEREIN BY \$559,047 TO FINANCE PART OF THE ADDITIONAL COSTS THEREOF AND TO AMEND THE DESCRIPTION THEREOF**

Mayor Levine stated this ordinance is called up for second reading and final passage. The Township Attorney has approved the Affidavit of Publication and a public hearing is in order.

A motion was made by Mr. Chivukula to open the public hearing on the aforesaid ordinance. Said motion was seconded by Mr. Sumter and carried unanimously upon voice vote.

Chip Hoever, 9 Stallion Court, founder of Taxpayers United in Franklin, supported the ordinance, noting he toured the facilities and found them to be deplorable and commended the employees for working in those conditions.

A motion was made by Deputy Mayor McKenzie to close the public hearing on the aforesaid ordinance. Said motion was seconded by Mr. Sumter and carried unanimously upon voice vote.

A motion was made by Mr. Chivukula to adopt the ordinance on final passage and publication in accordance with law. Said motion was seconded by Mr. Sumter and carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Chivukula	Eberle			Ashley-Williams
Levine	McKenzie			Schrum
Regan	Sumter			
Unger				

Ordinance No. 3429

Mayor Levine offered the following ordinance:

**BOND ORDINANCE AMENDING AND SUPPLEMENTING BOND ORDINANCE NUMBER 3184 HERETOFORE FINALLY ADOPTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP ON DECEMBER 12, 2000 ENTITLED, "BOND ORDINANCE PROVIDING FOR VARIOUS 2001 DRAINAGE IMPROVEMENTS IN THE FRANKLIN PARK SUBDIVISION, ALL LAWFUL AND PUBLIC PURPOSES, BY AND IN THE TOWNSHIP OF FRANKLIN, IN**

THE COUNTY OF SOMERSET, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$575,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$546,250 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COSTS THEREOF," TO INCREASE THE APPROPRIATION THEREIN BY \$6,000 AND TO INCREASE THE AUTHORIZATION OF BONDS OR NOTES THEREIN BY \$5,714 TO FINANCE PART OF THE ADDITIONAL COSTS THEREOF

Mayor Levine stated this ordinance is called up for second reading and final passage. The Township Attorney has approved the Affidavit of Publication and a public hearing is in order.

A motion was made by Deputy Mayor McKenzie to open the public hearing on the aforesaid ordinance. Said motion was seconded by Mr. Sumter and carried unanimously upon voice vote.

There being no comments from the public, a motion was made by Mr. Sumter to close the public hearing on the aforesaid ordinance. Said motion was seconded by Mr. Regan and carried unanimously upon voice vote.

A motion was made by Ms. Eberle to adopt the ordinance on final passage and publication in accordance with law. Said motion was seconded by Deputy Mayor McKenzie and carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Chivukula	Eberle			Ashley-Williams
Levine	McKenzie			Schrum
Regan	Sumter			
Unger				

Ms. Eberle stated she has waited for this for a long time and would love to put in the first shovel.

#### **PUBLIC DISCUSSION**

A motion was made by Mr. Chivukula and seconded by Mr. Sumter to open the meeting to the public. Said motion carried unanimously upon voice vote.

Mayor Levine announced that the meeting is opened for public discussion on any item of interest, which does have a public hearing of its own. He asked if anyone was interested to speak through the chair and when recognized to give his or her name and address to the Township Clerk. Mayor Levine instructed that each speaker would be allowed ten minutes, which would include any response from Council members, if requested.

Carl Wright, 139 Fuller Street, stated he attended a Redevelopment Agency meeting attended also by Township Manager Kenneth Daly and Mayor Levine where discussion took place regarding a supermarket. He stated this project would require the rezoning of property and would result in leaving nine properties to deal with the supermarket. Mr. Wright stated the Penrose Group would be requesting Council to consider the adoption of an ordinance to change the zoning of a limited portion of the properties in the area from residential infill to commercial industrial. Mr. Wright requested Council to consider rezoning the entire area which would include the nine homes.

Beth (inaudible), (inaudible) referred to an article in the Star-Ledger stating that the Township Attorney's law firm, DeCotiis, Fitzpatrick, Cole & Fisher billed Franklin Township \$930,000 in legal fees from 2001 through 2003. Ms. \_\_\_\_\_ stated these fees seem exceptionally high and asked what the Township gets for these fees. Mr. Rainone that she is welcomed to request a copy of his bills. He stated he only does work that he is assigned to do by Council.

Courtney Throckmorton, 591 Somerset Street, expressed his dissatisfaction with the Redevelopment Agency. He stated that eminent domain results in downward property values and it discourages businesses from coming to the area.

John P. Grosso, 1 Winchester Way, spoke of Mayor Levine's position against "pay for play" and the ordinance he proposed last year. Mr. Grosso reviewed the campaign donations that were given to Franklin Township and Somerset County Republicans.

Mr. Grosso summarized the proposed arrangement with the tofu factory and the fifty (50) senior citizen units and quoted the Mayor as stating this is a "nice package". Mr. Grosso asked Mayor Levine what part did he play in the tofu factory negotiations. Mayor Levine replied that the tofu factory has been moved to a different part of the township and there will be fifty (50) new senior citizen units. He stated it was a group effort with the Township Manager and Attorney leading negotiations.

Mr. Grosso asked for clarification regarding the resolution amending the Senior Affordable Housing Advisory Committee. Township Attorney Louis Rainone and Township Clerk Ann Marie McCarthy replied the resolution adds two (2) alternate members to the Committee. Mr. Gross stated the Chairman should have been made aware and involved in the decision to add alternate members.

Mr. Grosso asked what the Township will receive from the developer's agreement with Pulte. Mr. Daly replied the reconstruction of New Brunswick Road.

Nora Breen, Second Chance for Animals, expressed her gratitude to Council for adopting the bond ordinance authorizing improvements to the animal shelter.

Chip Hoever, 9 Stallion Court, reviewed the campaign contributions made to the democrats in Franklin Township and Somerset County. He reviewed the elections expenses as reported by the democratic candidates. He commended Mr. Chivukula for his timely filing of his election expense report, noting that it is very accurate and detailed.

John Haberstein, 42 Cedarbrook Drive, reviewed the history of problems he has been experiencing since his underground storage tank leaked and contaminated his well. He stated that the contractor is conducting major structural work to his home while his family is still living there. He asked for assistance from the Construction office who informed him that the work is part of his remediation permit. Mr. Rainone recommended Mr. Haberstein speak with Township Manager Kenneth Daly regarding this matter.

Saul Cohn, Canal Walk, requested the Mayor appoint an advisory committee to look into the possibility of having a hospital built in the township since there is only one in the county.

Catherine Barrier, 13 Oliver Street, asked for clarification regarding the appointment to the Somerset County Coalition on Affordable Housing Council. Mr. Rainone replied that neither the agreement nor the ordinance require the representative to be a governing body member. Mr. Rainone stated he spoke with the Director and she agreed with the letter that the representative does not have to be a governing body member. Mr. Barrier expressed her desire that Council appoint a person who will be valuable to the township.

John McConville, 5 Stone Leigh Way, asked for the percentage and givebacks with the PBA, SOA and CWA contracts. Mr. Daly replied the PBA and SOA contracts are 3.5% with no givebacks. He stated last year the shift schedule was changed to four-days on and four-days off to giveback overtime costs. Mr. Daly replied the CWA contract is 2.5% in the first year and 2% for the remaining three years. The giveback to the Township is going from a 7-step to a 10-step which results in it taking longer to get to the top of the range.

Mr. McConville asked for a status of the tofu factory application. He stated that the application was conforming and since it was moved to another site, the only action taken was a subdivision. Other applications will move forward shortly.

Lucretia Corteylou, 1892 Amwell Road, asked if there were job descriptions for employees and township officials. Mr. Daly replied the job descriptions for employees are in the personnel office and in the Code Book. Mr. Rainone replied duties and powers of the Mayor and Council are found in the Faulkner Act.

John P. Grosso, 1 Winchester Way, disagreed with earlier comments that the Township Attorney fee's are exceptionally high. Mr. Grosso informed Mayor Levine he would be addressing the Mayor's inaugural speech at the next meeting.

Chip Hoever, 9 Stallion Court, clarified his point regarding "pay for Play", noting it was a good ordinance.

### COUNCIL COMMENTS

Mr. Regan requested that resolution and ordinance language on the agenda be simplified. Mr. Rainone replied he would discuss this with the Township Clerk.

### INTRODUCTION OF ORDINANCES

#### Ordinance No. 3434

Mayor Levine presented the following ordinance:

**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/OFFICIALS (TOWNSHIP CLERK & JUDGE OF MUNICIPAL COURT); SECTION 52-4: ANNUAL COMPENSATION AND LONGEVITY FOR MANAGERIAL AND EXEMPT EMPLOYEES (POLICE CHIEF & CAPTAIN; DIRECTOR OF ENGINEERING AND PUBLIC WORKS); SECTION 52-6: ANNUAL BASE SALARIES FOR POLICE SERGEANTS AND LIEUTENANTS; SECTION 52-7: ANNUAL LONGEVITY PAYMENTS FOR POLICE SERGEANTS AND LIEUTENANTS; SECTION 52-8: ANNUAL COMPENSATION FOR POLICE PATROL OFFICER; SECTION 52-9: ANNUAL LONGEVITY PAYMENTS FOR POLICE PATROL OFFICER; 52-12: HOURLY WAGE SCALE FOR BLUE COLLAR EMPLOYEES; AND 52-13: ANNUAL LONGEVITY FOR BLUE COLLAR EMPLOYEES which is presented to the Township Council for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on March 9, 2004.**

The aforesaid ordinance was moved by Mr. Chivukula and seconded by Deputy Mayor McKenzie . Said motion carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Chivukula	Eberle			Ashley-Williams
Levine	McKenzie			Schrum
Regan	Sumter			
Unger				

### CONSENT AGENDA

Upon motion by Mr. Chivukula, seconded by Mr. Sumter, the following Consent Agenda Items were adopted as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Chivukula	Eberle			Ashley-Williams
Levine	McKenzie			Schrum
Regan	Sumter			
Unger				

**Resolution #04-068** Award State Contract – Motorola – Mobile Radios – Not to exceed \$25,039,20.

**WHEREAS**, the Township of Franklin desires to purchase items as follows through State Contract, which items exceed the prevailing bid threshold:

**VENDOR: MOTOROLA**  
PO Box 255, Cream Ridge, NJ 08514-0225  
**State Contract No. A53804**

**ITEMS:** (6) Astro Digital Spectra Mobile Radios, Accessories & Installation

**COST:** Not to exceed \$25,039.20

**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.

**Resolution #04-069** Award State Contract - Ikon – Replacement Copiers for Police Records – Contract Period – 02/01/04-01/31/07 – Not to exceed \$20,000 for 3-years.

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

**VENDOR: IKON OFFICE SOLUTIONS, INCORPORATED**  
587 Route 46 West  
Fairfield, CT 07004  
**State Contract No. 53427**

**ITEM:** Photocopier for the Police Records and Professional Services for the three year period from February 1, 2004 to January 31, 2007

**COST:** Not to exceed \$20,000.00

**Records: 12,000 copies per month @ \$175.20 per month and \$0.146 for copies over the maximum – Total minimum amount for 3-year contract - \$6,307.20**

**Professional Services: 20,000 copies per month @\$314.00 per month and \$0.157 for copies over the maximum – Total minimum amount for 3-year contract - \$11,304.00; and**

**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 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;

**BE IT FURTHER RESOLVED** that continuation of the terms of this contract beyond June 30, 2004 is contingent upon availability of funds in the 2005 FY Budget, and in the event of unavailability of such funds, the Township of Franklin reserves the right to cancel this contract.

**Resolution #04-070** Acceptance of Project/Release of Performance Bond/Authorize Change Order/Approval of Final Payment – Intersection Improvements – Elizabeth Avenue & Pierce Street.

**WHEREAS**, the Township Council of the Township of Franklin in the County of Somerset, New Jersey has on September 24, 2002 authorized the awarding of a contract to Faigon Electric, Inc., 140 Eleventh Street, Piscataway, NJ 08854 in the amount of \$258,594.48 for Intersection Improvements to Elizabeth Avenue and Pierce Street; and

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

<b>Item:</b>	Performance Bond
<b>Name of Applicant:</b>	Faigon Electric, Inc.
<b>Address of Applicant:</b>	140 Eleventh Street, Piscataway, NJ 08854
<b>Number:</b>	6231549
<b>Insurance Company:</b>	First National Insurance Company of America
<b>Amount:</b>	\$258,594.48
<b>For:</b>	Intersection Improvements – Elizabeth Avenue & Pierce Street

**WHEREAS**, the aforesaid Contractor has requested release of the aforesaid Performance Bond and the Township Engineer, after inspection, recommends release of the aforesaid Performance Bond subject to receipt of a one (1) year Maintenance Bond in the amount of \$39,331.79, which Maintenance Bond has been filed with the Township Clerk; and

**WHEREAS**, during the course of the contract the desirability for certain items for addition and/or deletion have been determined:

<b>Addition Amount:</b>	<b>\$12,789.59</b>
<b>Reduction Amount:</b>	<b>-9,172.15</b>
<b>Total Change:</b>	<b>\$ 3,617.44</b>

**WHEREAS**, the aforesaid Contractor has requested release of the final payment for this construction;

**WHEREAS**, Faigon Electric, Inc. has satisfactorily completed the work of the aforesaid contract on the aforesaid project and the Township Engineer has recommended the acceptance of the project, release of the performance bond, authorization of the change order and approval of the final payment by the Township; and

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

1. Accepts the Intersection Improvements to Elizabeth Avenue and Pierce Street as completed; and
2. The aforesaid Performance Bond be released to the above named applicant since the required Maintenance Bond has been received; and

3. Issuance of Change Order #1 (Final) in the amount of \$3,617.44 to the Contractor is hereby authorized and the Township Manager be and he is hereby authorized to sign said Change Order on behalf of the Township; and
4. The Township Treasurer be and she is hereby authorized to make final payment to the Contractor of the balance due for the construction in the amount of \$18,118.69.

**Resolution #04-071** Acceptance of Street and Release of Performance Guarantee – Stoneybrook Eagle, Inc. – Sunflower Estates – Docket P98034PF.

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

**ITEM:** Performance Guarantee

**NAME OF APPLICANT:** Stoneybrook Eagle Inc.

**NUMBER:** S05704

**INSURANCE CO./BANK:** First Indemnity of America

**IN THE AMOUNT OF:** \$192,695.70

**FOR:** Remainder of Site Improvements – Sunflower Estates; 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 \$96,347.85; 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:

**SUNFLOWER ROAD**

A 50 feet wide road beginning at its intersection with Van Cleef Road, said intersection being approximately 2095 feet southerly from the intersection of the re-aligned Amwell Road with the re-aligned Van Cleef Road, and extending easterly, southerly and westerly, along its various courses, a distance of approximately 2,790 feet to another intersection with Van Cleef Road.

The abovenamed road as laid out on a certain map entitled, “Sunflower Estates, Amended Final Plat of Block 74.01, Lot 6.01, Township of Franklin, Somerset County, New Jersey”, prepared by The Reynolds Group, Inc., dated August 31, 2001, revised to September 24, 2001 and filed in the Somerset County Clerk’s Office on December 7, 2001 as Instrument No. 20011381246.

**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 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.

**Resolution #04-072** Stormwater Detention Maintenance Agreement – Renaissance at Franklin – Docket PLN2001-0034.

**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 its behalf Developer's Agreement with Centex Homes, LLC (Renaissance at Franklin) with offices located at 500 Craig Road, Manalapan, NJ for property known as Block 507, Lots 37.04 and 47 as shown on the Tax Map of the Township of Franklin located at Weston Road pursuant to the resolution approval dated May 1, 2002, a copy of which is on file in the office of the Township Clerk and available for public inspection.

**Resolution #04-073** Acceptance of Buell Street – Release of Performance Bond – A Beverly Built Home – Block 82, Lot 21.01 – Docket #PLN2001-0016.

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

<b>ITEM:</b>	Irrevocable Letter/Credit
<b>NAME OF APPLICANT:</b>	A. Beverly Built Home
<b>NUMBER:</b>	02-003
<b>INSURANCE CO./BANK:</b>	New Millennium Bank
<b>IN THE AMOUNT OF:</b>	\$132,866.40
<b>FOR:</b>	Remainder of Site Improvements – A. Beverly Built Home

**WHEREAS**, the aforesaid applicant has requested release of the aforesaid Irrevocable Letter/Credit; and

**WHEREAS**, the Township Engineer, after inspection, recommends release of the aforesaid Irrevocable Letter/Credit subject to receipt of a two (2) year Maintenance Bond in the amount of \$19,929.96; and

**WHEREAS**, in connection with the improvements required by said Irrevocable Letter/Credit, the following described road or portion of roads have been dedicated to the Township:

**BUELL STREET**

A 50 feet wide road beginning at its intersection with Den Herder Drive and extending southwesterly, along its various courses, a distance of approximately 390 feet to its terminus.

The abovenamed road as laid out on a certain map entitled, "Proposed Minor Subdivision, Block 82, Lot 21, Township of Franklin, Somerset County, New Jersey", prepared by Amertech Engineering Inc., North Brunswick, NJ dated April 9, 2002 and revised to May 15, 2002. Said map being on file in the Franklin Township Engineering Department.

**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

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 Irrevocable Letter/Credit 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.

**Resolution #04-074** Agreement with Somerset County – Traffic Signal – Elizabeth Avenue (CR621) and Franklin High School Drive.

**WHEREAS**, a traffic condition exists at the intersection of Elizabeth Avenue, County Route 621 and Franklin High School Drive, Township of Franklin, Somerset County which requires the installation of a traffic control signal in order to minimize accidents; and

**WHEREAS**, it is necessary to expedite the safe movement and conduct of pedestrian and vehicular traffic; and

**WHEREAS**, the County of Somerset has proposed a form of agreement pertaining to the maintenance of said traffic control signal.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council, Township of Franklin, State of New Jersey as follows:

That the Township Mayor and Clerk are hereby authorized to enter into an agreement with the County of Somerset for the purpose aforesaid, a copy of said agreement being attached hereto and made part hereof.

That certified copies of this resolution shall be transmitted to the County of Somerset together with the original and three (3) copies of the agreement.

**Resolution #04-075** Amend - Senior Affordable Housing Advisory Committee – Alternate Members.

**BE IT AND IT IS HEREBY RESOLVED** that the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey does hereby amend an Affordable Housing Advisory Committee as created by resolution of the Township Council on August 13, 2002 and amended on January 14, 2003 to read as follows:

1. The Committee shall consist of nine members *and two alternate members* to be appointed by the Township Council for three (3) year terms commencing January and expiring December 31. Terms of office shall be staggered so that the terms of three members expire each year.
2. The function of the Affordable Housing Advisory Committee shall be to research and recommend how to set-up, construct and manage the operations of senior affordable housing by "Keeping Your Loved Ones Close To You."

**BE IT FURTHER RESOLVED** that the following persons are hereby appointed to serve on the Affordable Housing Advisory Committee from the date of adoption of this resolution to December 31, of the year indicated:

<b>Upendra Chivukula</b>	<b>12/31/03</b>
<b>Gloria Parker</b>	<b>12/31/03</b>
<b>Florence Van Pelt</b>	<b>12/31/03</b>

<b>Martha Belnavis</b>	<b>12/31/04</b>
<b>Dorothy M. Tompkins</b>	<b>12/31/04</b>
<b>Alexander Taylor, Jr.</b>	<b>12/31/04</b>
<b>John P. Grosso</b>	<b>12/31/05</b>
<b>Ann Chiavaroli</b>	<b>12/31/05</b>
<b>Harold Leventhal</b>	<b>12/31/05</b>

**Resolution #04-076** Performance Guarantee Release – KF Schoolhouse LLC – Docket No. PLN2002-0010 - \$254,590.02.

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

<b>ITEM:</b>	<b>PERFORMANCE BOND</b>
<b>NAME OF APPLICANT:</b>	KF SCHOOLHOUSE LLC
<b>ADDRESS OF APPLICANT:</b>	<b>520 US Highway 22</b> Bridgewater NJ 08807
<b>NUMBER:</b>	<b>PA8903303</b>
<b>INSURANCE CO./BANK:</b>	<b>National Surety Specialists, Incorporated</b> 2023 Route 70 West      Cherry Hill NJ 08002
<b>IN THE AMOUNT OF:</b>	<b>\$254,590.02</b>

**FOR:** Site Improvements for Docket No. PLN2002-0010 – Block 514/Lot 6, 50 Schoolhouse 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.

**Resolution #04-077** Release of Plan/Building Review Escrows.

**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:

<b>APPLICANT:</b>	<b>COSMO BARBIERO</b>	
<b>ADDRESS:</b>	52 Walnut Avenue	Somerset NJ 08873
<b>DOCKET NO:</b>	BRA02-017	
<b>BLOCK/LOT:</b>	447/12	
<b>LOCATION:</b>	52 Walnut Avenue	
<b>AMOUNT DEPOSITED:</b>	\$150.00 Building Review	
<b>AMOUNT CHARGED:</b>	<137.50>	
<b>AMOUNT TO BE REFUNDED:</b>	\$ 12.50	

**APPLICANT: KF SCHOOLHOUSE/JOSEPH PUNIA**

ADDRESS: 520 US Highway 22 PO Box 6872 Bridgewater NJ 08807  
 DOCKET NO: PLN2002-0010  
 BLOCK/LOT: 514/6.01  
 LOCATION: 50 Schoolhouse Road  
 AMOUNT DEPOSITED: \$1,000.00 Amended Plan Review  
 AMOUNT CHARGED: 350.00  
 AMOUNT TO BE REFUNDED: \$ 650.00

**APPLICANT: KF SCHOOLHOUSE/JOSEPH PUNIA**

ADDRESS: 520 US Highway 22 PO Box 6872 Bridgewater NJ 08807  
 DOCKET NO: PLN2002-0010  
 BLOCK/LOT: 514/6.01  
 LOCATION: 50 Schoolhouse Road  
 AMOUNT DEPOSITED: \$12,000.00 Inspection Fees  
 AMOUNT CHARGED: 6,300.00  
 AMOUNT TO BE REFUNDED: \$ 5,700.00

**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.

**Resolution #04-078 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 08, 2000	424.07/12	KNIGHT, DAN & CAROLYN 14 Hexham Drive Somerset NJ 08873	\$ 2,154.73
<b>PAID:</b>	<b>January 8, 2003</b>	<b>CERT #20-142</b>	
<b>LIENHOLDER:</b>	<b>Malden Associates</b> <b>PO Box 5600</b>	<b>Woodbridge NJ 07095</b>	
June 10, 2003	513/6.02	DiGIORGIO, ROBERT & RICH 162 Schoolhouse road Somerset NJ 08873 (174 Schoolhouse Road)	\$ 2,383.79
<b>PAID:</b>	<b>January 12, 2004</b>	<b>CERT #03-238</b>	
<b>LIENHOLDER:</b>	<b>James C. Older</b> <b>87 East Mountain Road</b>	<b>Hillsborough NJ 08844</b>	

**Resolution #04-079** Rescind Res. #04-53 & Amend Developer's Agreement – Pulte Homes Corporation – Somerset Run.

**WHEREAS**, on January 27, 2004, Resolution #04-053 – Amend Developers Agreement – Pulte Homes Corporation – Somerset Run was incorrectly adopted;

**WHEREAS**, on February 6, 2002 the Franklin Township Planning Board granted preliminary and final site plan and subdivision approval for the Colonial Park development to Pulte Home Corporation (hereinafter "The Developer or "Pulte") consisting of 755 units of senior housing and a recreation facilities on property known and described as Block 468.12 , Lot 1.01 and Block 507, Lots 3.5,7,21,38-43,67 and 68 on the Tax Map of the Township of Franklin; and

**WHEREAS**, As a condition of approval Pulte is required to enter into a Developer's Agreement covering off-tract improvement fees, parkland dedication and the road alignment of New Brunswick Road; and

**WHEREAS**, The Township Manager has met with the applicant concerning all issues outlined in the Planning Board approval; and

**WHEREAS**, the Township Council authorized the execution of a developer agreement between Pulte Home Corporation on May 14, 2002 and there is now a need to amend that agreement;

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

1. Resolution #04-053 – Amend Developers Agreement – Pulte Homes Corporation – Somerset Run is hereby rescinded;
2. The Mayor and Township Clerk are hereby authorized to execute an amendment to the Developer Agreement with Pulte Home Corporation, said agreement to be prepared by the Township Attorney and to contain provisions per attached Amendment to Developer's Agreement.

**Resolution #04-080** Insertion in Budget – NJDCA – Recreation for Individuals with Disabilities Program in the amount of \$10,000 – Township Match - \$2,000.

**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 \$2,000 match for RECREATION FOR INDIVIDUALS WITH DISABILITIES PROGRAM and wishes to amend its 2004 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 2004 in the sum of \$10,000.00 which is now available as revenue from:

***RECREATION FOR INDIVIDUALS WITH DISABILITIES PROGRAM***

**BE IT FURTHER RESOLVED** that a like sum of **\$10,000.00**, for RECREATION FOR INDIVIDUALS WITH DISABILITIES PROGRAM be and the same is hereby appropriated under the caption of:

***RECREATION FOR INDIVIDUALS WITH DISABILITIES PROGRAM***

**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.

**Resolution #04-081** Grant Application – NJDEP Green Acres – Planning Incentive Grant – Open Space Acquisition Program.

**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 authorize the submission of a grant application to the NJDEP Green Acres – Planning Incentive Grant for open space acquisition program and does authorize the appropriate Township official to execute this grant application on its behalf.

**Resolution #04-082** Grant Application – NJDEP Green Acres – Urban Area Development Grant – Improvements to Middlebush Park.

**WHEREAS**, the New Jersey Department of Environmental Protection, Green Acres Program (“State”), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

**WHEREAS**, the Township of Franklin desires to further the public interest by obtaining funding in the amount of \$262,220 from the state to fund the following project: **Middlebush Park Improvements** at a cost of \$ \_\_\_\_\_;

**NOW, THEREFORE**, the Township Council of the Township of Franklin, County of Somerset, State of New Jersey resolves that Brian D. Levine, Mayor is hereby authorized to:

- a) make application for such a loan and/or such a grant,
- b) provide additional application information and furnish such documents as may be required, and
- c) act as the authorized correspondent of the above named applicant; and

**WHEREAS**, the state shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding award; and

**WHEREAS**, the applicant is willing to use the State’s funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the State for the above names project;

**NOW, THEREFORE, BE IT RESOLVED** by the Franklin Township Mayor and Council:

1. That the Mayor of the Township of Franklin is hereby authorized to execute an agreement and any amendment thereto with the State known as Middlebush Park Improvements;
2. That the applicant has its matching share of the project, if match required, in the amount of \$0;
3. That, in the event the State’s funds are less that the total project cost specified above, the applicant has the balance of funding necessary to complete the project;

4. That the applicant agrees to comply with all applicable federal, state and local laws, rules and regulations in its performance of the project; and
5. That this resolution shall take effect immediately.

**Resolution #04-083** Grant Application – Federal Transportation Program (NJDOT) – Rehabilitate the Muletender’s House in the D&R Canal State Park.

**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 authorize the submission of a grant application to the Federal Transportation Program, administered by the NJDOT for rehabilitation to the Muletender’s House in the D&R Canal State Park and does authorize the appropriate Township official to execute this grant application on its behalf.

**Resolution #04-084** Authorize Purchase – UNUM/Provident Insurance Co. – FY2004 Long Term Disability Insurance Policy – Amount not to exceed - \$75,000.

**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 requirement of an Extraordinary Unspecifiable Service:

**VENDOR:** UNUM/PROVIDENT LIFE INSURANCE COMPANY  
2211 Congress Street  
Portland Maine 04122

**ITEM:** Long Term Disability Insurance

**COST:** \$75,000 for the period July 1, 2003 to June 30, 2004

**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 certificate is in proper form;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin, County of Somerset that the above purchase be authorized subject to the following provisions:

- (1) This contract is awarded without competitive bidding as an exemption under the provisions of the Local Public Contracts Law, NJSA 40A:11-5(1)(m).
- (2) 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.
- (3) 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 contract authorized herein.
- (4) 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 contract authorized herein.

**Resolution #04-085** Re-authorize Auction of Abandoned Vehicles.

**WHEREAS**, the advertisement of the public auction of abandoned vehicles scheduled to be held on Monday, January 26, 2004 and Tuesday, January 27, 2004 were incorrect and the auctions were cancelled; and

**WHEREAS**, the advertisement of the public auction of abandoned vehicles scheduled to be held on Monday, February 10, 2004 and Tuesday, February 11, 2004 were not published and the auctions were cancelled; and

**BE IT RESOLVED** That the Township Council of the Township of Franklin, County of Somerset and State of New Jersey does hereby re-authorize a Public Auction of automobiles which came into the possession of the Franklin Township Police Department through abandonment or failure of owners to claim in accordance with **N.J.S.A. 39:10A-1 (Laws of the State of New Jersey)** as follows:

**Date: Monday, February 16, 2004**  
**Time: 10:00 am**  
**Place: Dependable Motor Car**  
**873 Somerset Street, Somerset, NJ 08873**

<u>YEAR</u>	<u>MAKE/MODEL</u>	<u>STYLE/COLOR</u>	<u>VIN. NUMBER</u>
1987	Honda Accord	2 door/Beige	1HGCA5486HA13753
1988	Honda Civic	4 door/Red	1HGED3652JA069882
1991	Pontiac Trans AM	Wagon/Red	1G, CU06D8MT202662
1988	Pontiac Sunbird	4 door/Red	1G2JD51K9J7532818
1989	Chevy Celb	4 door/Gray	3G1AW51R8KS500635
1984	Chevy Blazer	Silver	1G8CT18B1E0132153
1995	Dodge Neon	4 door/Red	1B3ES47C8SD241907
1987	Chevy Celb	4 door/Black	2G1AW51W7H1158315
1997	Mercury Mount	4 door/Blue	4M2DU55P3VUJ14982
1987	Ford Escort	2 door/Red	1FABP18J9HW233901
1991	Ford T-Bird	Red	1FAPP604XMH154633
1993	Ford Explorer	2 door/Red	1FMCU24X1PUA21328
1985	Olds Del	4 door/Gray	1G3BV69Y1FY375850
1989	Lincoln Towncar	4 door/Silver	1LNBN83F5KY666959

**Vehicles may be viewed at the location noted above for the one (1) hour period preceding the auction.**

**Date: Tuesday, February 17, 2004**  
**Time: 10:00 am**  
**Place: Township Impound Yard**  
**40 Churchill Avenue, Somerset NJ 08873**

<u>YEAR</u>	<u>MAKE/MODEL</u>	<u>STYLE/COLOR</u>	<u>VIN. NUMBER</u>
1990	Nissan Stanza	4 door/Red	JN1FU21P8LT237525
1990	Toyota Tercel	2 door/Blue	JT2EL31F5L0502744
1986	Mercury Sable	4 door/Beige	1MEBP87U1GA651040
1991	Dodge Ram 150	Pickup/Silver	1B7GE16Y0MS248746
1989	Nissan Maxima	4 door/Gray	JN1HJ01P2KT244832
1988	Ford Bronco II	2 door/Tan	1FMCU14T0JUE08709
1992	Honda Civic	2 door/Black	2HGEH2341NH535383
1990	Eagle	4 door/Black	2E3CB56U3LH707814
1976	BMW	2 door/Black	2742794
1987	Mitsubishi Tredia	4 door/Blue	JA3BF46D1HZ002094
1987	Honda Civic	2 door	JHMEC1420HS026420
1989	Lincoln Continental	4 door	1LNLM9849KY749456

1981	Chevrolet	Pickup/Brown	1GCCC14D6BB109240
1988	Ford Tempo	4 door/Red	1FAPP3646JK168639
1985	Cadillac	4 door/Blue	1G6DW6988F9749003
1994	Mercury Tracer	4 door/White	3MARM10J3RR605699
1984	Toyota Supra	2 door/Black	JT2MA67L2EO102773
1990	Chevy Cavalier	2 door/Blue	1G1JC14G7L7156677
1993	Mitsubishi Eclipse	2 door/Brown	4A3CF34B7PE094039

*All Vehicles have Transferable/Regular Titles*

**Vehicles may be viewed at the location noted above for the one (1) hour period preceding the auction.**

**BE IT FURTHER RESOLVED** that Notice of Auction pursuant to Statute shall be published in the official newspaper of the Township on **February 5, 2004** in accordance with law.

**Resolution #04-086** 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:

**NAME OF ORGANIZATION**

St. Matthias Home School Association  
170 JFK Boulevard, Somerset, NJ  
On-Premise Bingo Games – BL#1423  
On-Premise Raffle – RL#1424  
On-Premise 50/50 – RL#1425  
Drawings: St. Matthias School Cafeteria

**DATE OF RAFFLE/BINGO**

March 3, 2004  
6:00 pm – 11:00 pm

**Resolution #04-087** Contract – Police Benevolent’s Association of Franklin Township Local No. 154 – Police Patrol Officers – January 1, 2004 to December 31, 2007.

**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 authorize the Mayor and Township Clerk to execute a Contract with the Police Benevolent’s Association of Franklin Township Local No. 154 providing conditions of employment for Township Police Patrol Officers for the period January 1, 2004 to December 31, 2007.

**Resolution #04-088** Contract – Franklin Township Superior Officer’s Association Police Benevolent’s Association Local No. 154 – Sergeants and Lieutenants – January 1, 2004 to December 31, 2007.

**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 authorize the Mayor and Township Clerk to execute a Contract with the Franklin Township Superior Officers Association Police Benevolent’s Association Local No. 154 providing conditions of employment for Township Sergeants and Lieutenants for the period January 1, 2004 to December 31, 2007.

**Resolution #04-089** Contract – Communication Workers of America Local 1034 – Blue Collar Workers – July 1, 2002 to June 30, 2006.

**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 authorize the Mayor and Township Clerk to execute a Contract with the Communication Workers of America Local 1034 providing conditions of employment for Township Blue Collar Workers for the period July 1, 2002 to June 30, 2006.

**Resolution #04-090** Amend Meeting Schedule – Change Agenda Meeting from 06/03/04 to 06/01/04 and change Regular Meeting from 06/08/04 to 06/10/04.

**WHEREAS, as per the Open Public Meeting Act (P.L. 1975, Chapter 231) of the Laws of the State of New Jersey, Section 13** thereof, the Township Council of the Township of Franklin adopted a resolution providing notice of the annual meeting schedule for 2004 at its Reorganization Meeting held on January 1, 2004 amended its meeting scheduled on January 13, 2004; and

**WHEREAS,** it has become necessary to amend the annual meeting schedule for 2004 as follows:

<b><u>Delete</u></b>	<b><u>Add</u></b>
Agenda Meeting June 03 (Thurs)	Agenda Meeting June 01 (Tues)
Regular Meeting June 08 (Tues)	Regular Meeting June 10 (Thurs)

**NOW, THEREFORE, BE IT RESOLVED** on this 10<sup>th</sup> day of February, 2004, by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey, that the meeting schedule is hereby amended as follows for the period January 7, 2004 to January 25, 2005 and shall be held at 475 DeMott Lane on the following dates and times:

**JANUARY 01 (Thurs) 2:00 pm REORGANIZATION MEETING**

<b><u>AGENDA MEETING</u></b>	<b><u>REGULAR MEETING</u></b>	<b><u>COMBINED AGENDA/ REGULAR MEETING</u></b>
JANUARY 06 (Tues) 8:00 pm	JANUARY 13 (Tues) 8:00 pm	JANUARY 27 (Tues) 7:00 pm
FEBRUARY 03 (Tues) 8:00 pm	FEBRUARY 10 (Tues) 8:00 pm	FEBRUARY 24 (Tues) 7:00 pm
MARCH 02 (Tues) 8:00 pm	MARCH 09 (Tues) 8:00 pm	MARCH 23 (Tues) 7:00 pm
APRIL 08 (Thurs) 8:00 pm	APRIL 13 (Tues) 8:00 pm	APRIL 27 (Tues) 7:00 pm
MAY 04 (Tues) 8:00 pm	MAY 11 (Tues) 8:00 pm	MAY 25 (Tues) 7:00 pm
JUNE 01 (Tues) 8:00 pm	JUNE 10 (Thurs) 8:00 pm	JUNE 24 (Thurs) 8:00 am Community Senior Center
JULY 06 (Tues) 8:00 pm	JULY 13 (Tues) 8:00 pm	
AUGUST 03 (Tues) 8:00 pm	AUGUST 10 (Tues) 8:00 pm	
SEPTEMBER 07 (Tues) 8:00 pm	SEPTEMBER 14 (Tues) 8:00 pm	SEPTEMBER 28 (Tues) 7:00 pm
OCTOBER 05 (Tues) 8:00 pm	OCTOBER 12 (Tues) 8:00 pm	OCTOBER 26 (Tues) 7:00 pm
NOVEMBER 04 (Thurs) 8:00 pm	NOVEMBER 09 (Tues) 8:00 pm	NOVEMBER 23 (Tues) 7:00 pm
DECEMBER 07 (Tues) 8:00 pm	DECEMBER 14 (Tues) 8:00 pm	

**Tuesday, June 08 – Primary Election Day**  
**Tuesday, November 02 – General Election Day**  
**Thursday, November 11 - Veterans Day**

**2005**

**JANUARY 1 (Sat.) 2:00 pm REORGANIZATION**

AGENDA MEETINGREGULAR MEETINGCOMBINED AGENDA/  
REGULAR MEETING

JANUARY 04 (Tues) 8:00 pm

JANUARY 11 (Tues) 8:00 pm

JANUARY 25 (Tues) 7:00 pm

At this time, the meeting recessed from 10:08 p.m. and reconvened at 10:45 p.m.

**APPOINTMENTS  
(Deferred to 02/10/04)**

Mayor Levine announced that the appointments that have been deferred to tonight's meeting will be deferred to the February 24, 2004 meeting so they can be listed on the consent agenda with the names of the appointees.

Mr. Chivukula nominated Idaherma Williams as Franklin Township Representative to the Somerset County Cultural and Heritage Committee for a one-year term expiring December 31, 2004. Deputy Mayor McKenzie seconded the nomination. The nomination was approved unanimously upon voice vote.

Mr. Chivukula nominated Fred McKenzie and Eugene Unger as Council Liaisons to the Board of Education each for one-year terms expiring December 31, 2004. The nominations were unanimously approved upon voice vote.

Mr. Chivukula asked for clarification of the appointment to the Special Improvement District Advisory Committee. Mr. Daly replied the Committee was established to study the possibility of the Hamilton Street Area becoming a Special Improvement District where the businesses in that area would self-impose a tax on themselves for improvements and programs within the district

**ADJOURNMENT**

Mr. Chivukula moved to adjourn the meeting at 10:50 p.m. Said motion was seconded by Mr. Sumter and carried unanimously upon voice vote.

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Brian D. Levine, Mayor

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Ann Marie McCarthy, Township Clerk

Approved:

Date: