

The Work Session/Regular Meeting of the Township Council of the Township of Franklin, County of Somerset, New Jersey, was called to order by the Township Clerk at 7:07 p.m.

Mayor Levine called the Work Session/Regular Meeting of the Township Council to order. Mayor Levine stated "In accordance with Section 5 of the Open Public Meeting Act, Chapter 231, Public Law 1975, be advised that adequate notice of this Work Session/Regular Meeting of the Township Council of the Township of Franklin, County of Somerset was made by the posting on the bulletin board at the Municipal Complex and transmitted to the officially designated newspapers, a list of dates, annually, indicating that this Work Session/Regular Meeting would take place at the Franklin Township Municipal Complex at 7:00 p.m. on February 22, 2005. In addition, a copy of this notice is and has been available to the public and is on file in the Office of the Municipal Clerk."

Everyone present participated in the Pledge of Allegiance and Councilman Sumter led the Invocation.

The Township Clerk called the roll.

Present: Ms. Ashley-Williams, Ms. Danile, Ms. Eberle, Mr. Levine, Mr. McKenzie, Mr. Regan, Ms. Ritchie, Mr. Sumter

Absent: Mr. Chivukula

Also present: Louis N. Rainone, Esq., Township Attorney (arrived 7:45 p.m.), Kenneth W. Daly, Township Manager, Ann Marie McCarthy, Township Clerk

PROCLAMATION

Read Across America

Mayor Levine read the following proclamation:

WHEREAS, the citizens of the Township of Franklin stand firmly committed to promoting reading as the catalyst for our students' future academic success, their preparation for America's jobs of the future, and their ability to compete in a global economy; and

WHEREAS, Franklin Township has provided significant leadership in the area of community involvement in the education of our youth, grounded in the principle that educational investment is key to the community's well-being and long-term quality of life; and

WHEREAS, NEA's **Read Across America**, a national celebration of reading, will be conducted on March 2, 2005, which would have been the 101st birthday of Theodor Seuss Geisel, better known as Dr. Seuss; and

WHEREAS, **Read Across America-NJ** is being conducted statewide by the New Jersey Education Association, in partnership with the New Jersey State League of Municipalities, the New Jersey Library Association, Saturn-UAW, and their local affiliates across the state to promote reading and adult involvement in the education of our community's students;

NOW, THEREFORE, BE IT RESOLVED that the Township Council calls on the citizens of Franklin Township to assure that every child is in a safe place reading together with a caring adult on March 2, 2005;

AND BE IT FURTHER RESOLVED that this body enthusiastically endorses **NEA's Read Across America** and **Read Across America-NJ**, and recommits our community to engage in programs and activities to make America's children the best readers in the world.

MAYOR'S REPORT

Mayor Levine thanked the FTTV-25 volunteers for videotaping the Council meeting. He announced that the last event for Black History Month is the Gospel Concert at the Senior/Community Center on Saturday night, February 26, 2005. He announced that the Battle of Bound Brook Re-Enactment would be held on April 23 and 24, 2005.

Mayor Levine reported that Sunday, February 20, 2005 was the grand opening of Great Wall Supermarket on Route 27. He stated it was very well attended. He stated that Ms. Ritchie, Ms. Eberle and Mr. Chivukula were also in attendance. Ms. Ritchie added that the event was successful and noted that a Chinese Dragon was there in celebration of the Chinese New Year. She stated the market has something for everyone.

Mayor Levine reported that the Fire District Elections of Commissioners and Budgets were held last Saturday, February 19, 2005. He congratulated all the Commissioners who graciously give themselves to serve Franklin Township.

Mayor Levine reported that Council has received attendance reports from many boards and commissions. He congratulated Deputy Mayor McKenzie and Ms. Eberle for perfect attendance in 2004.

Mayor Levine announced the ABC Violations Hearing for the Halftime Pub is scheduled to be held on Tuesday, March 1, 2005 at 7:00 p.m. in Council Chambers.

Mayor Levine reported that Council would vote on receipt of grants totaling approximately \$70,000. He stated these are worthwhile expenditures that will not be borne by the taxpayers of Franklin Township.

DEPUTY MAYOR'S REPORT

Deputy Mayor McKenzie reported that on Saturday, February 19, 2005, in celebration of Black History Month, the topic of the Meadows Foundation Lecture at the Van Wickle House as "Africans in the Revolution". Joe Becton, a noted expert, made the presentation.

Deputy Mayor McKenzie announced that on Thursday, February 24, 2005 the Mobility Steering Committee will meet at 6:30 p.m. to discuss strategies and focus groups regarding Route 287.

Deputy Mayor McKenzie announced that the deadline for applications for the Martin Luther King Jr. scholarships is March 21st.

Deputy Mayor McKenzie asked the community and Council to participate in the opposition of the elimination of Community Development Block Grant funding. He asked everyone to contact his or her Senators and Representatives.

Deputy Mayor McKenzie stated that he voted in Saturday's Fire District elections and noted the low turnout. He thanked those citizens who voted to pass the budgets.

FINANCIAL OVERSIGHT REPORT

Ms. Danile reported that one of the items discussed in the Financial Oversight subcommittee was the calendar for the municipal budget. She stated that Council will make a concerted effort to stay on a timetable that will have the public hearing and adoption of the budget in October.

Ms. Danile reported on the request from Community Resources for an additional \$10,000 for additional child care services needed as a result of the schools getting out earlier and returning later this year in connection with the construction of the new High School. Mr. Daly

added that no actual appropriation is needed at this time. Community Resources is looking for approval so they may start the hiring process now. The \$10,000 appropriation would be in next year's budget. Mr. Regan added that this is not a new program, but an extension of a current program. Mr. Daly asked if there were any objections to the request. No objections were made at this time by Council.

REVIEW OF PREPARED AGENDA

Mayor Levine led a discussion of the prepared agenda. Mr. Regan asked for clarification of Consent Agenda Item #15f – Award Professional Service Agreement with Sharon Lane for Nursing Supervisory Services. Mr. Regan asked how often these services are provided, are the services conducted in a group setting or individually, what are the hours. Mr. Daly replied he would obtain the information from the Health Director.

Mr. Regan asked if the amount of \$150.00 held in escrow what enough to cover the costs of the lost meter in connection with Consent Agenda Item #15o – Authorize Refund of Construction Water Meter Escrows. Mr. Daly replied if the amount is more, it would be handled by a separate action by Council.

COUNCIL DISCUSSION ITEMS

Route 27 Renaissance 2000 Project

Stephen Mikulak of the NJDOT reported that there have been three (3) public information meetings in Franklin Township and one (1) public information meeting in North Brunswick. He noted that Ms. Eberle was in attendance of the meeting held in December. He introduced the following: Bob Behar Burgis, Lead Engineer; Scott Deeck, Project Manager and Marty Wade, consultant from Michael Baker, Jr., Inc. He stated that the project was presented to Council last year and since that presentation, they have rescoped the project and felt it should be represented to Council.

Mr. Wade reported the project need is to improve the safety and operation of the Route 28 Renaissance Corridor. The project need was developed from the Route 27 Renaissance 2000 Corridor Study prepared in May 1999 for NJDOT. Crash analysis from the ORA Corridor Study revealed left turn crashed were over four times the statewide average. Other over-represented crash types include angle, head-on, bicycle and pedestrian crashed. The study also identified a need for pedestrian facilities such as additional sidewalks and intersection crosswalks.

The following are descriptions of the improvements proposed at the seven signalized intersections:

Route 27 at Bennetts Lane

A through lane and a shared through-right turn lane are proposed for the southbound Route 27 approach. No changes are proposed to the exclusive left turn lane and through lane on the Route 27 northbound approach. The eastbound Bennetts Lane approach is provided with a 12-foot exclusive left turn lane and a channelized exclusive right turn lane. The alternative would only involve ROW acquisition along the southern side of Bennetts Lane and the west side of Route 27. No impacts to buildings are anticipated.

Route 27 at How Lane/Veronica Avenue

The intersection of How Lane/Veronica Avenue requires extensive roadway widening in order to achieve acceptable levels of service. The alternative includes providing an exclusive left turn lane, a through lane and a shared through-right turn lane for the Route 27 northbound and southbound approaches and the eastbound approach of Veronica Avenue. A left turn lane, two through lanes and an exclusive right turn lane are proposed for the westbound approach on How Lane. The intersection would operate under a 14-foot border (6' sidewalk, 1' border) for the gas station location in the southwest corner of the intersection. The current location of several driveways of the three gas stations violate the NJ Access Code, however, revocation of driveways may cause circulation problems. The decision to revoke driveway access will be

made by NJDOT Access. Substantial ROW impact along the northern side of How Lane/Veronica Avenue is anticipated. Investigation of the location of the underground storage tanks at the Exxon in the northeast quadrant will need to be further investigated during Preliminary Design. The driveway to Veronica's Plaza, a residence and the golf center along Route 27 southbound will be adjusted to accommodate the extension of the through-right turn lane. The Route 27 northbound approach provides two through lanes, and will require a taper north of the intersection to transition to the three lane cross-section.

Route 27 at Franklin Boulevard/Oliver Avenue

An exclusive left turn lane, and a shared through-right turn lane are proposed for the Route 27 northbound approach. The southbound approach provides an exclusive left turn lane, a through lane and an exclusive right turn lane. The eastbound Franklin Boulevard approach is provided with a shared left-though lane and an exclusive right turn lane. The lane configuration of Oliver Avenue remains unchanged.

Route 27 at Van Dyke Avenue/Irving Street

An exclusive left turn lane, a through lane and an exclusive right turn lane are proposed for the northbound Route 27 approach. An exclusive left turn lane and a shared through-right turn lane are proposed for the southbound approach. The westbound Van Dyke Avenue approach is provided with an exclusive left turn lane and a shared through-right turn lane. The Van Dyke Avenue approach would be realigned to directly intersect with the existing Irving Street approach. The realignment would impact 5 to 6 parking spaces of the Suburban Coach USA Park & Ride facility. Minor ROW acquisition is proposed along the northbound lanes for the addition of the exclusive right turn lane. No impacts to driveways or buildings are anticipated.

Route 27 at Quentin Avenue/Juliet Avenue

An exclusive left turn lane and a shared through-right turn lane are proposed for the northbound and southbound approaches of Route 27. The lane configurations of Quentin Avenue and Juliet Avenue are to remain unchanged.

Route 27 at Douglas Avenue

An exclusive left turn lane and a through lane are proposed for the northbound Route 27 approach. The southbound Route 27 approach would have a shared through-right turn lane. The lane configuration of Douglas Avenue remains unchanged.

Route 27 at Somerset Street/French Street/Main Street

A pedestrian crosswalk is proposed.

Mr. Wade reported that the main objective of this project is to provide congestion relief along Route 27 through the redesign or reconfiguration of the 7 signalized intersections on Route 27, especially Bennetts Lane, How Lane/Veronica Avenue and Franklin Boulevard intersections, located within the project limits. From Bennetts Lane to How Lane, the proposed roadway cross section will provide two travel lanes in the southbound direction and one travel lane in the northbound direction. From How Lane to Main Street, the proposed roadway cross section will include one lane in each direction, a center two-way left turn lane and varying shoulders. The proposed widening will involve ROW acquisitions.

Mr. Wade stated the project would also require adjusting driveway access along the Route 27 project limits. This would provide for safer, more conventional, and smoother flowing traffic movements at the project intersections. There are numerous driveway access issues to be addressed. The Bureau of Access Design has indicated it would permit right turns in and out of driveways, located along auxiliary lanes or left turn lanes, as long as a 4' median island is constructed along the left turn lanes on Route 27.

Mr. Sumter asked how long before construction begins. Mr. Wade replied three to four years, noting that the IPA had to be amended to reduce the amount of ROW impact to businesses. Mr. Sumter asked if there was a timetable for the project. Mr. Wade replied that one would be drafted after the consultant is selected.

Mr. Rainone arrived at 7:45 p.m.

Mr. Regan expressed his disappointment with the time frame of the project. Scott Deeck, project manager with the NJDOT, stated that while the time frame seems extreme, a project like this takes a lot of time. The NJDOT spends a lot of time in the planning stages so they can get through the project with minimal unforeseen problems.

Mr. Regan asked if access and traffic will be maintained during the construction of the project. Mr. Wade and Mr. Deeck stressed they would maintain traffic patterns and access to businesses at all times during the project.

Ms. Ashley-Williams requested crash analysis data through the corridor. She stated that more control is needed at the access points on Route 27.

Mr. Wade asked that the Township adopt a resolution supporting the amendments to the project.

Ms. Danile asked how long is the right turning lane for Bennetts Lane. Mr. Wade replied approximately 200 feet. Ms. Danile had some questions regarding turning lanes, through lanes and ROW acquisitions in connection with Franklin Boulevard and Bennetts Lanes. These questions were answered satisfactorily by Mr. Wade.

Ms. Ritchie asked about the possibility of extending sidewalks south of Bennetts Lane back to Osage Road. She stated that the improvements should provide access to get to Veronica Avenue. Mr. Wade replied the IPA is not set in stone and other improvements can be considered. In response to a question regarding property acquisition on the northside of Bennetts Lane on the Franklin side and the addition of a right turn lane, it was stated that Franklin Township would take on these costs and dedicate the improvements to the State. Any improvements could be added as long as there was no cost to the State.

Mr. Sumter asked if bus stops are part of the plan. Mr. Wade replied that the original IPA did not provide bus turn outs, they now have been incorporated into the plan.

Ms. Ashley-Williams referenced the section of the report that stated that underground storage tanks exist at the site of the Getty gas stations, one located at the southwest quadrant of the How Lane intersection and the other between High Street and Matilda Avenue. Also, there is an Exxon Gas Station located at the northeast quadrant and Gulf Gas Station at the southeast quadrant of the How Lane intersection. The report indicates that there are forty-five potential hazardous sites that have been identified with the project limits. Ms. Ashley-Williams asked how they would impact the project. Mr. Wade replied that they would be addressed in the preliminary design plans and reports made to how the sites would be mitigated and tanks removed.

Mayor Levine stated that a resolution would be prepared in support of the amendments and scheduled for the March 8th meeting.

APPROVAL OF MINUTES

Upon motion by Deputy Mayor McKenzie, seconded by Ms. Danile, the minutes of the Work Session/Regular Meeting of January 25, 2005 were approved as submitted as follows upon call of the roll:

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

APPROVAL OF WARRANTS

Mayor Levine presented the following warrants in the amount of \$5,263,060.60 for February 22, 2005 to the Township Council for payment:

1	Current	410,839.04
5	Water Operating	4,060,318.78
6	Water Capital	57,027.25
4	General Capital	30,290.70
15	General Trust	22,728.44
18	Self Insurance Trust	11,050.00
21	Recreation Trust	4,120.79
12	Open Space Trust	9,293.40
2	Grant	21,232.96
26	Affordable Housing	3,235.30
3	Collector Trust	29,792.22
22	Payroll	313,011.58
13	Redevelopment Agency	78.75
23	Agency	289,416.64
	Sub-Total	5,262,435.85
25	Escrow Account	624.75
	Grand Total	5,263,060.60

Deputy Mayor McKenzie moved that warrants in the amount of \$5,263,060.60 for February 22, 2005 to be paid. Said motion was seconded by Ms. Danile and carried as follows upon call of the roll:

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

ORDINANCES, PUBLIC HEARING & ADOPTION

Ordinance No. 3526

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 226-13, PARKING PROHIBITION (ADD KATHRYN STREET)

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

Mr. Regan moved to open the meeting for a public hearing on the ordinance. Said motion was seconded by Mr. Sumter and carried unanimously upon call of the roll.

Mayor Levine stated that the meeting is open for public discussion on this ordinance. He stated that anyone interested in speaking to raise their hand and when recognized, state your name and address.

There being no comments by the public, Mr. Sumter moved to close the public hearing on the ordinance. Said motion was seconded by Ms. Danile and carried unanimously upon call of the roll.

Ms. Danile moved the final passage of the ordinance and publication in accordance with law. Said motion was seconded by Mr. Regan and carried as follows upon call of the roll:

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

Ordinance No. 3528

Mayor Levine offered the following ordinance:

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 112, DEVELOPMENT, SECTION 112-6B(1), OFFICIAL ZONING MAP.

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

Ms. Danile moved to open the meeting for a public hearing on the ordinance. Said motion was seconded by Mr. Sumter and carried unanimously upon call of the roll.

Mayor Levine stated that the meeting is open for public discussion on this ordinance. He stated that anyone interested in speaking to raise their hand and when recognized, state your name and address.

Alan Laskin, 383 South Middlebush Road, supported passage of the ordinance and stated that it makes more sense to zone these lots A-Agricultural rather than R-40 Residential, Single Family Minimum Lot Area of 40,000 Square Feet.

Ryck Suydam, 1743 Route 27, opposed the passage of the ordinance and recommended that it be tabled. He stated that the Open Space Consultant is presently in negotiations with the property owner and that down zoning at this time is wrong. He gave a brief history of the property and its ownership. He stated that there is no need to change the zoning of this property. He asked Council to do the right thing and let the negotiations continue.

Mr. Regan asked if the ordinance is adopted would it affect the present negotiations and would it affect the price of the land. Mr. Daly replied that the property owner is aware of this ordinance. He explained that under state statute, the property owner would get the value of the property as previously zoned. Deputy Mayor McKenzie asked for clarification before vote that the property owner would not lose the value of his property if rezoned. Mr. Daly replied the value would remain single family residential. The ordinance protects the Township so that a developer cannot come in and build single family homes.

Ms. Danile noted that if the property owner was concerned he would be in attendance of this meeting. She asked if he was aware of the public hearing of the ordinance. Mayor Levine replied that the property owner received notice of this public hearing.

There being no further comments by the public, Deputy Mayor McKenzie moved to close the public hearing on the ordinance. Said motion was seconded by Mr. Regan and carried unanimously upon call of the roll.

Mr. Regan moved the final passage of the ordinance and publication in accordance with law. Said motion was seconded by Ms. Ritchie and carried as follows upon call of the roll:

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

Ms. Ritchie stated that the property was inappropriately zones as R-40 and noted that the land abutting the property and surrounding it is Agricultural. There is not public utility service on this property.

Ordinance No. 3529

Mayor Levine offered the following ordinance:

BOND ORDINANCE PROVIDING FOR THE PAYMENT OF THE PURCHASE PRICE FOR THE ACQUISITION OF REAL PROPERTY, IN AND BY THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY (THE "TOWNSHIP") TO BE USED FOR LAWFUL PUBLIC PURPOSES; APPROPRIATING \$82,500 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$78,500 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

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

Mr. Regan moved to open the meeting for a public hearing on the ordinance. Said motion was seconded by Ms. Danile and carried unanimously upon call of the roll.

Mayor Levine stated that the meeting is open for public discussion on this ordinance. He stated that anyone interested in speaking to raise their hand and when recognized, state your name and address.

John McConville, 5 Stone Leigh Way, questioned the amounts of \$7,500 and \$78,000. Ms. Ritchie replied that the \$7,500 is the amount of the down payment. Mr. day stated that the amount of \$78,000 is to provide for the worse case and potential litigation. Mr. Rainone added the cost of the bonds issued is \$82,500 and 5% are for professional fees. Mr. McConville asked if they are 40 year bonds and if so, why. Mr. Daly replied in the affirmative and explained that municipalities borrow money for property that has a forever lifetime so that the expense is spread out and not just current residents are paying for it.

There being no further comments by the public, Deputy Mayor McKenzie moved to close the public hearing on the ordinance. Said motion was seconded by Ms. Danile and carried unanimously upon call of the roll.

Ms. Danile moved the final passage of the ordinance and publication in accordance with law. Said motion was seconded by Mr. Regan and carried as follows upon call of the roll:

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

Ordinance No. 3530

Mayor Levine offered the following ordinance:

AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN, SOMERSET COUNTY, NEW JERSEY AMENDING SECTION 112-9G OF THE CODE OF THE TOWNSHIP OF FRANKLIN, "SIGN REGULATIONS"

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

Ms. Danile moved to open the meeting for a public hearing on the ordinance. Said motion was seconded by Mr. Regan and carried unanimously upon call of the roll.

Mayor Levine stated that the meeting is open for public discussion on this ordinance. He stated that anyone interested in speaking to raise their hand and when recognized, state your name and address.

Philip Kramer, 429 Canal Road, TUF, expressed his support of the ordinance. He noted that he had drafted an amending ordinance last year, which he had submitted to Mr. Daly that had similar language. He asked for clarification of the days realtor signs are allowed. He expressed his desire that provisions similar to the changes made by this ordinance are expanded to other types of signs. Mr. Rainone stated that the ordinance is not relative to what day an open house is held, noting there are two types of open houses, one for potential buyers and the other for realtors.

There being no further comments by the public, Deputy Mayor McKenzie moved to close the public hearing on the ordinance. Said motion was seconded by Ms. Danile and carried unanimously upon call of the roll.

Mr. Regan moved the final passage of the ordinance 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>
Ashley-Williams	Danile			Chivukula
Eberle	Levine			
McKenzie	Regan			
Ritchie	Sumter			

Ms. Eberle stated for the record that she is not against realty businesses.

PUBLIC DISCUSSION

Upon motion by Mr. Regan, seconded by Mr. Sumter and carried unanimously upon voice vote, the meeting was opened to the public for discussion.

Courtney Throckmorton, 591 Somerset Street, expressed his opposition of the use of eminent domain for economic redevelopment. He asked Council to rescind the rezoning of Block 123. He asked Council to sever their ties with the First Baptist Church in connection with the Gateway Project. He asked Council to remove the threat of eminent domain from Route 27 businesses.

Lucretia Cortelyou, 1892 Amwell Road, asked the following questions: Why does the Township pay for web page service and how much does the Township pay for this service? She stated the agenda was not posted in a timely manner again. Why are open space funds being used to clean up open space properties? How much is the total cost of the Memorial Arboretum, noting the cost of the plan is \$16,500? Does the Police Department enforce speed limits and careless driving on Amwell Road?

Mr. Daly replied the Township pays \$7000 for the website service for the year. He stated the agenda have been placed on the website in a timely manner. He stated that the Township Clerk has emails that reflect what time she sent it and what time it was posted.

Mr. Daly replied that the Township purchased farms that were in need of clean-up that included removal of structures on these properties.

Mr. Daly replied that the Police Department is out on the roads of the Township enforcing traffic laws.

Mr. Daly replied that the total cost of the plan for the Memorial Arboretum is \$16,500. Mr. Regan added that the Open Space Advisory Committee would be able to provide a detail assessment of parcels designated as open space. He stated that the meetings are on the 3rd Tuesday of the month and she is invited to attend.

Jacqueline Berry, 31 Camden Street, asked that the Township find a developer that has the financing for the Gateway Project. She stated that the Township has given too much time to Reverend Soaries. She stated that the Redevelopment Agency gave the developer 10 days to respond – she recommended that they research other avenues and solicit other developers. Mr. Daly replied that the agreement negotiated in November was never signed and the Redevelopment Agency gave time to evaluate the agreement. Ms. Berry indicated that members of the Church that are on the Redevelopment Agency and Council have a conflict of interest. Mr. Daly and Mr. Rainone replied that it was the attorney's ruling that there is no conflict of interest.

Harold Leventhal, 360 DeMott Lane, reported that Presbyterian Homes is full and noted that there is a waiting list of 1.5 to 2 years for apartments. He stated there are other senior residences with waiting lists. He noted that Franklin Township is not done with senior housing.

Mary Berry, 31 Camden Street, expressed her disappointment with Mr. Daly that nothing has been done. She stated he promised to push the project forward and it seems that it is going backwards. Mr. Daly replied that he is working on a number of items that he cannot discuss at this time. He stated that he has no control of certain aspects of the project. He stated that a resolution will be reached on Monday at the Redevelopment Agency meeting. He stated that he does the best he can as he is only one person.

Carol Peterson, 12 Lake Avenue, expressed her frustration with Molecuwire. She also expressed her support of the Route 27 Renaissance 2000 Project.

John McConville, 5 Stone Leigh Way, asked if Resolution #05-082 was connected to the Route 27 Renaissance 2000 Project. It was replied that Resolution #05-082 is a Neighborhood Preservation Grant in the amount of \$25,000 for planning and \$100,000 a year for up to 5 years to establish a Neighborhood Preservation Program on Hamilton Street.

Mr. McConville asked the Board of Education Liaisons (Mayor Levine and Deputy Mayor McKenzie) to explain the \$11,000,000 bonding proposed by the Board of Education. Deputy Mayor McKenzie explained that this money is for the athletic stadium and other school facilities improvements that were not in the initial bond. Mr. Regan explained it would be a separate vote from the school budget.

Mr. McConville asked if the contract with Access Locksmith was for the doors or just the door operators. Mr. Regan replied for the door operators.

Deputy Mayor McKenzie moved to close the public discussion portion of the meeting. Said motion was seconded by Ms. Danile and carried unanimously upon voice vote.

COUNCIL COMMENTS

Deputy Mayor McKenzie asked the Township Clerk for clarification regarding the process for posting the agendas. Ms. McCarthy stated that agendas are sent to the website on the Friday prior to the meeting. They are usually posted within 24 hours. She added that minutes are posted to the website after they are approved by Council. She stated that added to the Agenda and Minutes Page is a sentence that states "If further assistance is needed, please contact the Township Clerk at 732-873-2500 ext. 211 or annmarie.mccarthy@twp.franklin.nj.us". Mr. Regan added that if

one's computer does not have its browser settings set up to refresh each time you open a website, you will not get the most recent version of the website.

Deputy Mayor McKenzie asked that Mr. Daly follow up with the Police Department regarding speed limit enforcement on Amwell Road.

Ms. Danile stated that she appreciates the comments made by Mr. Leventhal and Ms. Peterson. She stated that they are doing as much as they can addressing senior housing issues. She stated that the Township is working on getting the area around Molecuwire clean and expressed the desire to find the right tenants.

Ms. Ashley-Williams disagreed with Ms. Berry's comments regarding Mr. Daly. She stated that while she sympathizes with Ms. Berry, she stated that Mr. Daly is doing everything he can in connection with the Gateway Project. She stated that this is high on his priority list and he worked on it over the weekend.

Ms. Ashley-Williams reported she expressed her opposition of eliminating Community Block Grant Funding to Senator Corizine. She stated that Senator Corizine supports Community Block Grant Funding. She urged all to write their Congressmen regarding the proposed changes to social security and noted that it is not just retirement.

Ms. Ashley-Williams clarified that the \$16,500 for the plans for the Memorial Arboretum is appropriated from open space funds, which is taxpayer's money.

Mr. Regan stated he also voted in Saturday's Fire District Election and noted that turn out is typically low. He reported that Congressman Rush Holt supported Community Development Block Grant Funding. He stated in connection with the rezoning in Ordinance 3528, that these lots were inappropriately zoned in the Master Plan and should be zoned Agricultural. He expressed his satisfaction that the sign ordinance amendments were adopted. He clarified that the open space tax is money that was supported by the voters of the Township by referendum. He stated that they are behind in the timing with regards to Block 123 residents and agreed with the statement made by Ms. Ashley-Williams regarding Mr. Daly.

Ms. Ritchie left the meeting at 9:40 p.m.

Mr. Regan asked for a status report on Molecuwire. Mr. Daly reported that the business is closed. He stated that they have building permits to make improvements. He stated that if they can catch them conducting business the Township will take the necessary steps.

Ms. Eberle expressed her contentment of the new shopping area with the grand opening the Great Wall supermarket. She reported that a balloon test will be conducted on March 1st at the Griggstown Fire House at 8:00 a.m. in connection with a proposed cell tower. She announced that March 2nd is Read Across America Day and she would be reading to students at the Franklin Park School.

Mr. Sumter agreed with previous Council statements regarding Mr. Daly. He expressed his dissatisfaction with Mr. Throckmorton's statements and actions regarding the Gateway Project; eminent domain and Block 123.

INTRODUCTION OF NEW ORDINANCES

Ordinance No. 3533

Mayor Levine presented 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

Mayor Levine stated that the foregoing ordinance 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 22, 2005.

Deputy Mayor McKenzie moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on March 22, 2005. Said motion was seconded by Ms. Danile and carried as follows upon call of the roll:

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

Ordinance No. 3534

Mayor Levine presented the following ordinance:

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, SOMERSET COUNTY, NEW JERSEY, MORE PARTICULARLY CHAPTER 226, VEHICLES & TRAFFIC - SECTION 226-13, PARKING PROHIBITION (ADD MACAFEE ROAD)

Mayor Levine stated that the foregoing ordinance 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 22, 2005.

Ms. Danile moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on March 22, 2005. Deputy Mayor McKenzie seconded said motion and it was carried as follows upon call of the roll:

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

CONSENT AGENDA

Upon motion by Ms. Danile, seconded by Ms. Ashley-Williams, the following Consent Agenda Item were adopted as follows upon call of the roll:

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

Resolution #05-070 Authorize Tax Title Lien Redemptions – Outside Buyers.

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 will 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:

Date of Sale: June 8, 2004
Block/Lot: 288/4
Name & Address: Johnson, Renee
 39 Holly Street
 Somerset, NJ 08873
Amount: \$6,160.74
Make Check Payable To: Sequoia Investments
 PO Box 5600
 Woodbridge, NJ 07095
Certificate No.: 040075
Payment Received: January 27, 2005

Date of Sale: June 8, 2004
Block/Lot: 293/37
Name & Address: Cerda, Julio & Juana
 439 Arthur Avenue
 Somerset, NJ 08873
Amount: \$4,925.40
Make Check Payable To: American Tax Funding
 PO Box 862658
 Orlando, FL 32886-2658
Certificate No.: 040076
Payment Received: January 27, 2005

Date of Sale: June 8, 2004
Block/Lot: 194/143
Name & Address: Castro, Sandra E.
 90 Jefferson Street
 Somerset NJ 08873
Amount: \$18,706.08
Make Check Payable To: Fidelity Tax LLC
 PO Box 5707
 Ft. Lauderdale FL 33310
Certificate No.: 040057
Payment Received: January 7, 2005

Resolution #05-071 Authorize Purchase to Access Locksmiths, Inc. for power door operators for the Municipal Building doors to comply with ADA requirements in an amount not to exceed \$16,540.00.

WHEREAS, the Township of Franklin desires to purchase items as follows which do not exceed the bid threshold but which exceed the limits set forth in Chapter 3, Section 3-13; and

WHEREAS, quotations as required by NJSA 40A:11-1 et seq. have been received;

VENDOR: Access Locksmiths, Inc.
 18 Raritan Avenue, Unit 18B
 Raritan, NJ 08869
ITEMS: Power Door Operators for Municipal Building Doors to comply with ADA requirements.
COST: Not to exceed \$16,540.00

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.

Resolution #05-072 Authorize Purchase to Recreational Sand Specialists for infield mix for parks in an amount not to exceed \$14,999.97.

WHEREAS, the Township of Franklin desires to purchase items as follows which do not exceed the bid threshold but which exceed the limits set forth in Chapter 3, Section 3-13; and

WHEREAS, quotations as required by NJSA 40A:11-1 et seq. have been received;

VENDOR: Recreational Sand Specialists
PO Box 220
Williamstown, NJ 08904
ITEMS: Infield Mix for Parks
COST: Not to exceed \$14,999.97

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.

Resolution #05-073 Award State Contract to Ikon Office Solution for photocopier in Manager's office for a three-year lease in an amount of \$3600 for the three-year period.

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 SOLUTIONS
567 Route 46 West
Fairfield NJ 07004
State Contract No. A46631
ITEM: Photocopier for the Manager's Office
COST: \$99.82 per month; \$1200 per year; \$3600 for three years
(plus \$0.2852 for copies over the 3500)

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.

Resolution #05-074 Authorize Purchase to Schaefer Pyrotechnics for the July 1, 2005 Fireworks Show in an amount not to exceed \$15,000.00.

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 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: Schaefer Pyrotechnics, Inc.
ADDRESS: 376 Hartman Bridge Road, Ronks, PA 17572
CONTRACT AMOUNT: Not to exceed \$15,000.00
SERVICE: Fireworks Exhibition (07/01/05) for the Township of Franklin, Somerset County

Resolution #05-075 Award Professional Service Agreement with Sharon Lane for Nursing Supervisory Services from January 1, 2005 to December 31, 2005 in an amount not to exceed \$9,090.00.

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 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: Sharon Lane
ADDRESS: 26 Jacob Street Old Bridge NJ 08857
CONTRACT AMOUNT: Not to exceed \$9,090.00
SERVICE: Nursing Supervisor – 01/01/05-12/31/05

Resolution #05-076 Award State Contract to Motorola, Inc. for radios for Fire Prevention Department in an amount not to exceed \$10,357.00.

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: **MOTOROLA, INC.**
NJ Contract Coordinator
5201 Tollview Drive
Rolling Meadows, IL 60009
State Contract No. A53804

ITEMS: Radios for Fire Prevention Department

COST: \$10,357.00

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 #05-077 Accept Resignation of Theodore Chase as Route 287 Task Force Member, effective immediately.

BE IT AND IT IS HEREBY RESOLVED that the Township Council of the Township of Franklin, County of Somerset, New Jersey, does hereby accept the resignation of Theodore Chase as the Planning Board Member of the Route 287 Task Force, effective immediately.

BE IT FURTHER RESOLVED that the Township Council does hereby thank and commend Theodore Chase for services performed on behalf of said Township.

Resolution #05-078 Authorize Interlocal Services Agreement with South Brunswick Township regarding funding for Opposition to Route 92 in an amount not to exceed \$10,000.00.

WHEREAS, the Township of South Brunswick has established a trust fund to be used for efforts to oppose Route 92; and

WHEREAS, said trust fund is maintained by the Township of South Brunswick as a separate trust in accordance with regulations promulgated by the Division of Local Government Services; and

WHEREAS, the Township of Franklin has appropriated \$10,000 in the FY2005 Municipal Budget to be used towards the efforts to oppose Route 92, and wishes to deposit the same in the trust fund maintained by the Township of South Brunswick for these purposes; and

WHEREAS, in order to accept said contribution, it is appropriate for the two townships to enter into an interlocal services agreement;

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

1. The Mayor and Township Clerk shall be and are hereby authorized to execute an Interlocal Service Agreement between the Township of Franklin and the Township of South Brunswick regarding funding for opposition to Route 92.
2. Copies of the agreement shall remain on file with the Township Clerk.

Resolution #05-079 Authorize Insertion of Budget Item (Chapter 159) – Juvenile Accountability Block Grant (JAIBG) - \$11,715 grant with \$1,302 match. – **Removed from Agenda.**

Resolution #05-080 Authorize Grant Agreement - – Juvenile Accountability Block Grant (JAIBG) - \$11,715 grant with \$1,302 match – Grant will fund part-time counselor for ARISE Program; funding for Substance Abuse Counseling Services and funding for Youth Connections Program.

BE IT RESOLVED by the Township Council of the Township of Franklin in the County of Somerset and State of New Jersey does hereby authorize the Mayor and Township Clerk to sign Grant Agreement with the New Jersey Department of Law & Public Safety for the Juvenile Accountability Incentive Block Grant. The funding will be used to support the ARISE Program, Substance Abuse Treatment Services and Youth Connections Program, in the amount of \$11,715.00/\$1,302.00 Township Match for a total of \$13,017.00.

Resolution #05-081 Authorize Grant Agreement – 2005 Governor’s Council on Alcoholism and Drug Abuse, Drug Enforcement Demand Reduction for the Franklin Municipal Alliance Program in the amount of \$45,379.

BE IT AND IT IS HEREBY RESOLVED that the Township Council of the Township of Franklin does hereby authorize the Mayor and Township Clerk to execute on its behalf 2005

Franklin Township Municipal Alliance for Prevention of Substance Abuse Grant Agreement with the Somerset County Department of Human Services in the amount of \$45,379.00.

Resolution #05-082 Authorize Grant Agreement – NJDCA Neighborhood Preservation Program in the amount of \$25,000 for planning this year and \$100,000 a year each year for up to five years to establish a Neighborhood Preservation Program in the southeast Hamilton Street neighborhood.

BE IT AND IT IS HEREBY RESOLVED that the Township Council of the Township of Franklin in the County of Somerset and State of New Jersey does hereby authorize the Mayor and Township Clerk to execute on its behalf an Agreement with the NJ Department of Community Affairs for Neighborhood Preservation Program in the southeast Hamilton Street neighborhood in the amount of \$25,000 for the planning year and \$100,000 each year up to five (5) years to establish a Neighborhood Preservation Program.

Resolution #05-083 Authorize the sale of one (1) Plenary Retail Consumption Liquor License with a minimum bid of \$250,000.

WHEREAS, NJSA 33:1-12.14 provides that no new Plenary Retail Consumption License shall be issued in a municipality unless and until the number of such licenses existing in the municipality is fewer the one (1) for each 3,000 of its population as shown on the last preceding Federal Census; and

WHEREAS, NJSA 33:1-12.14 provides that no new Plenary Retail Distribution License shall be issued in a municipality unless and until the number of such licenses existing in the municipality is fewer the one (1) for each 7,500 of its population as shown on the last preceding Federal Census; and

WHEREAS, the Federal Census figure for 2000 Census has been certified by the New Jersey Secretary of State Department; and

WHEREAS, pursuant to such certified figures, the population of Franklin is 50,903 persons; and

WHEREAS, as a result of the foregoing, there resulted in the Township of Franklin the authority to issue two (2) Plenary Retail Consumption License and one (1) Plenary Retail Distribution License for the sale of alcoholic beverages; and

WHEREAS, on January 11, 2005, the Township Council awarded one (1) Plenary Retail Consumption License and one (1) Plenary Distribution License to the successful bidders, thus resulting in one (1) remaining Plenary Retail Consumption License; and

WHEREAS, pursuant to NJSA 33:1-19.3, it is the desire of the Township of Franklin, Somerset County to accept sealed bids for said license as required by law subject to the terms and conditions herein specified;

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

1. The Township of Franklin hereby determines that it will sell at public sale one (1) Plenary Retail Consumption License for the sale of alcoholic beverages, in accordance with the procedure set forth in NJSA 33:1-19.3 et seq.
2. The Township Clerk shall publish a notice of proposed issuance of the alcoholic beverage license. The notice shall provide the following:
 - a. The Township, by resolution, has determined to consider the issuance of (1) Plenary Retail Consumption License by public sale to the highest qualified bidder and invites bids therefore.

- b. The Notice shall be published in the Courier News not less than two (2) times, which publications shall not be less than one (1) week apart. The second or last notice shall be published at least thirty (30) days before the date established to open all bids from qualified bidders. The minimum time period that must be allowed for bidders to apply for the License is twenty-five (25) days after the second publication.
 - c. All prospective bidder for the license shall apply by submitting to the Clerk of the Township of Franklin in full and complete eleven (11) page application form; a separately sealed envelope with the applicant's bid and bid deposit fee; and a separate Certification of Proof of Compliance by the applicant that it meets any and all special conditions or requirements contained in the Notice and knows of no reason he or she would be disqualified from having an interest in a Retail License in New Jersey.
 - d. The Notice will advise that all bids will be sealed and that the minimum bid for this new consumption license shall be \$250,000.00 along with any terms and conditions related to the bid process, such as deposits, returns, forfeitures, etc.
 - e. The Notice shall state the Township reserves the right to reject all bids if the highest bid is not accepted. A sale may be postponed or canceled at any time prior to opening of the bids.
 - f. The Notice shall specify the time, place and last date that applications and bids will be accepted. Also indicate therein will be the requirement that the Clerk of the Governing Body shall publicly announce those applicants who presumptively meet the qualification for bidding as fixed by law, rules and regulations and the enabling resolution and Notice. This public announcement must occur not less than five (5) days prior to the date of opening the sealed bids.
 - g. The time, place and date that the sealed bids will be opened must also be specified in the Notice, which must be no sooner than five (5) days after the public announcement of all presumptively qualified bidders. No bids will be opened from or on behalf of any bidder who does not qualify or has not submitted proof of qualification (full and complete eleven (11) page ABC application form and Certification of Proof of Compliance).
 - h. At the designated time, place and date, the sealed bids will be open and all bid amounts and the highest bid amount will be declared. If the issuing authority determines to reject all bids they shall do so by formal resolution. If they determine to accept the highest qualified bid, that also shall be done by resolution under the conditions that the ultimate issuance of the license will be subject to payment of the balance of the bid price; payment of the State \$250.00 Application Fee; satisfactory outcome of further municipal background checks to investigate the source of funds used to purchase the license and the receipt of favorable State and/or Federal criminal background checks; and the compliance with the publication, hearing and resolution requirement under NJAC 13:2-2.1 et. seq.
3. The minimum bid price for the Retail Consumption license shall be \$250,000.00;
 4. **Monday, April 4, 2005**, 12:00 noon at the Office of the Township Clerk, 475 DeMott Lane, Somerset , New Jersey is hereby fixed as the last date and time that applications and bids will be accepted;

5. **Monday, April 11, 2005**, 12:00 noon at the Office of the Township Clerk, 475 DeMott Lane, Somerset. New Jersey is hereby fixed as the date, time and location for a public announcement of all presumptively qualified bidders;
6. **Monday, April 18, 2005** at 12 noon at the Municipal Building, 475 DeMott Lane is hereby fixed as the date, time and location when sealed bids will be opened and all bid amounts and the highest bid amount will be declared;
7. **Tuesday, June 14, 2005** at 7:00 p.m. a Resolution accepting the highest bid amount will be declared and a Resolution accepting the highest bid or rejecting all bids, as the case may be, shall be adopted;
8. Ten 10% of the purchase price shall accompany the sealed bid. The deposit shall be cash, certified check or cashier check;
9. Nothing contained herein shall be deemed to excise or relieve an applicant from compliance with all applicable laws, regulations and ordinances including, without limitation, compliance with all provisions of Chapter 75, Alcoholic Beverages, of the Township Code;
10. The Township reserves the right to reject any and all bids where the highest bid is not accepted.

Resolution #05-084 Authorize Refund of Construction Water Meter Escrows.

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:	Bergen Eng. Co.	
ADDRESS:	375 Murray Hill Parkway	East Rutherford, NJ 07073
AMOUNT DEPOSITED:		\$2145.00
AMOUNT TO BE DEPOSITED IN WATER ACCOUNT FOR SERVICE CHARGE & WATER USAGE		\$1027.60
AMOUNT TO BE REFUNDED:		\$1117.40

APPLICANT:	The Accent Group	
ADDRESS:	104 East Centre Street	Nutley, NJ 07110
AMOUNT DEPOSITED:		\$ 850.00
AMOUNT TO BE DEPOSITED IN WATER ACCOUNT FOR SERVICE CHARGE & WATER USAGE		\$ 225.00
AMOUNT TO BE REFUNDED:		\$ 625.00

APPLICANT:	A. Garlatti Construction	
ADDRESS:	401 Cleveland Avenue	Highland Park, NJ 08904
AMOUNT DEPOSITED:		\$ 150.00
AMOUNT TO BE DEPOSITED IN WATER ACCOUNT FOR SERVICE CHARGE & WATER USAGE		\$ 150.00
AMOUNT TO BE REFUNDED:		\$ 0.00

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.

Resolution #05-085 Authorize Refund of Tax Overpayments.

WHEREAS, there appears on the books of the Collector of Revenue, refunds due, resulting from Tax 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.

BLOCK/LOT	NAME/ADDRESS	QTR/YR	AMOUNT
34.08/9.01 C0252	Lawrence Chu 215 Lindsey Court Franklin Park, NJ 08823	1-2/05 Homeowner & Mortgage Co Paid	2,061.32
34.08/54.01 C4205	Sean Lynch 219 Rachel Court Franklin Park, NJ 08823	1-2/05 Homeowner & Mortgage Co Paid	1,792.88
74.03/24	Carolyn & Vincent Solimine 4 Staudt Court Somerset, NJ 08873	2/05 Old & New Mortgage Co Paid	2,601.07

Resolution #05-086 Authorize Issuance of Raffles Licenses.

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:

<u>NAME OF ORGANIZATION</u>	<u>DATE OF RAFFLE/BINGO</u>
Church of St. Matthias 168 JFK Boulevard, Somerset, NJ On-Premise 50/50 – RL#1478	May 10 – May 13, 2005 6:00 pm – 10:00 pm May 14, 2005 2:00 pm – 10:00 pm
Non-Draw Raffles – RL#1479 Off-Premise 50/50 – RL#1480 Drawings: St. Matthias Church Grounds	May 15, 2005 2:00 pm – 10:00 pm May 15, 2005 – 8:30 pm
Second Chance for Animals, Inc. P.O. Box 5172, Somerset, NJ Off-Premise Raffle - #1481	July 9, 2005 1:30 pm

Drawing: Franklin Twsp. Animal Shelter

Douglass Organization for Occupational and
Related Educational Services April 16, 2005
25 Gibbons Circle, New Brunswick, NJ 10:00 pm
Off-Premise 50/50 – RL#1482
On-Premise 50/50 – RL#1483
Drawings: DoubleTree Hotel, Somerset

Rutgers Preparatory School February 26, 2005
1345 Easton Avenue, Somerset, NJ 7:00 pm – 12:00 pm
On-Premise Raffle – RL#1484 (Waiver of waiting period granted
Drawings: Rutgers Preparatory School by LGCCC)

Resolution #05-087 Set Public Hearing Date for Ordinance No. 3520 for March 8, 2005 at 7:00 p.m.

WHEREAS, the following Ordinance was introduced and passed on first reading at a Regular Meeting of the Franklin Township Council held on January 11, 2005:

Ordinance No. 3520: An ordinance amending the redevelopment plan by listing the following parcels as not subject to eminent domain: Block 167/Lots 16-19; Block 121/Lots 1-13; Block 114/Lots 1-27; Block 177/Lots 27.01, 12-26; Block 180/Lots 67-73, 81-97; Block 181/Lots 25-28, 36-38; Block 185/Lots 1-4; Block 172/Lots 10-23 and Block 103/Lots 12.05 & 12.06.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, Somerset County, New Jersey that further consideration and public hearing for Ordinance No. 3520 is scheduled for the Work Session/Regular Meeting of the Township Council to be held on Tuesday, March 8, 2005 at 7:00 p.m.

BE IT FURTHER RESOLVED that said ordinance be posted and published in accordance with law.

Resolution #05-088 Authorize Refund of Building/Planning 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:

APPLICANT: FRANK LAKE
ADDRESS: 283 Cedar Grove Lane, Apt. 1
Somerset, NJ 08873
DOCKET NO: Z200005ums Plan Review
BLOCK/LOT: 508.02/10
LOCATION: Cedar Grove Lane
AMOUNT DEPOSITED: \$2,000.00 Keller Kirkpatrick
AMOUNT CHARGED: 1,400.00
AMOUNT TO BE REFUNDED: \$ 600.00

APPLICANT: FIRST BAPTIST CHURCH OF LINCOLN GARDENS
ADDRESS: 771 Somerset Street
Somerset, NJ 08873
DOCKET NO: ZBA2001-0047 Plan Review

BLOCK/LOT: 141.01/20.01

LOCATION: 771 Somerset Street

AMOUNT DEPOSITED: \$6,000.00 Keller Kirkpatrick

AMOUNT CHARGED: 4,196.25

AMOUNT TO BE REFUNDED: \$1,803.75

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.

Appointment 2005 Municipal Alliance for the Prevention of Substance Abuse/Youth Services Commission:

Craig Novick	Chief of Police
Eva Nagy	School Bd. President/Chamber Commerce
William Westfield	Superintendent of Schools
Valerie Northey	Student Assistance Coordinator, FHS
Jeffrey C. Green, Esq.	Municipal Court Judge
Walter Galanowsky	Health Director
Hazel Davis, Executive Director	Housing Authority Representative
Reverend Zolie Smith	Clergy Representative
Phyllis Beals	General Public Representative
Susan Kamins	Somerset County Youth Services Comm.
Sgt. Richard Grammar	Police Department Representative
Kris Durham	Police Department Representative
Orville Wilson, Principle	Franklin High School
Kenneth W. Daly	Township Manager
Bruce McCracken	General Public Representative
Bruce Medley	General Public Representative
Doris Robinson	General Public Representative
Dennis Sanders	General Public Representative
Marie Thompson	General Public Representative
Ronnie Weiner	SC Alliance Agnst. Drug & Alcohol Abuse
Martha Camarda	General Public Representative
Michele <u>Samarya-Timm</u>	Health Department Representative
Lillian Prescott	Youth Services Commission
Yasmin Wade	Youth Services Commission
Detective Sean Hebbon	Police Department Representative
Dianne Leach-Thompson	Franklin Twp. Community Resources
Stacy Hale, SAC	Sampson G. Smith School
Carl Wade	Franklin Twp. Board of Education
Paula Hoffman	Library Representative
Bridget Carter-Facey	General Public Representative
Alice Osipowitz	Recreation Director/Chairman

Appointment Alan McGriff and Renee Jenkins as Regular Members of the Recreation Advisory Council, each for a three-year term ending December 31, 2007.

Appointment Doris Griffin as Alternate #1 Member of the Senior Affordable Housing Committee for an unexpired three-year term ending December 31, 2006.

ADJOURNMENT

Deputy Mayor McKenzie moved to adjourn the meeting at 9:50 p.m. Said motion was seconded by Ms. Danile and carried unanimously upon call of the roll.

05-
February 22, 2005 – Work Session/Regular Meeting

Approved:

Brian D, Levine, Mayor

Date:

Ann Marie McCarthy, Township Clerk