

**REGULAR MEETING OF THE TOWNSHIP COUNCIL
TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, NEW JERSEY
FEBRUARY 24, 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 Mayor Levine.

CALL TO ORDER

The Township Clerk called the roll.

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

Absent: Mr. Schrum

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

**PROCLAMATION
*Retirement of James P. Pettit***

Mayor Levine, with Mr. Sumter and Mr. Daly, presented the following proclamation to James P. Pettit, Capital Projects Engineer :

WHEREAS, JAMES P. PETTIT, has served the residents of the Township of Franklin, serving as Capital Projects Engineer from 2000 to 2004, Township Engineer & Director of Land Use from 1977 to 2000; and

WHEREAS, during his tenure **JAMES P. PETIT** has succeeded in demonstrating excellence in local government service; and

WHEREAS, JAMES P. PETTIT is retiring from the Franklin Township,

NOW, THEREFORE, I, BRIAN D. LEVINE, MAYOR of the Township of Franklin in the County of Somerset, State of New Jersey, on behalf of the Township Council and all of the residents do hereby thank **JAMES P. PETTIT** for his dedication and service to our community and for the benefits reaped by the Township of Franklin through his efforts and do hereby extend to **JAMES P. PETTIT** and his family, best wishes for success and happiness in their future endeavors.

**PROCLAMATION
*80th Birthday of John P. Grosso***

Mayor Levine, with Mr. Sumter, presented the following proclamation to John P. Grosso in honor of his 80th birthday:

WHEREAS, JOHN P. GROSSO, was born on February 25, 1924 and will be celebrating his 80th birthday; and

WHEREAS, John P. Grosso has been an active member in the community by being a member of the Franklin Park Senior Citizen Club; attending monthly Township Council meetings; and by serving on the Senior Affordable Housing Committee, Senior Citizen Advisory Committee and Sewerage Authority.

NOW, THEREFORE, I, BRIAN D. LEVINE, MAYOR of the Township of Franklin, County of Somerset and State of New Jersey on behalf of the Township Council, the residents of the Township of Franklin, family and friends, do extend Happy Birthday wishes to **JOHN P. GROSSO** on the occasion of his 80th Birthday on the 25th day of February, 2004 and do wish John the continued health which has enabled him to live a long and independent life.

MAYOR'S REPORT

Mayor Levine reported on correspondence regarding a request from Mt. Laurel to join them in a lawsuit and asked the Township Attorney for his opinion. Mr. Rainone replied it is not necessary for the Township to expend legal funds on this matter because the Attorney General and stepped in on behalf of Green Acres.

DEPUTY MAYOR'S REPORT

Deputy Mayor McKenzie announced that Councilman Schrum has a personal illness that will require his absence from Township Council meetings for a period of time. Deputy Mayor McKenzie requested Council to adopt a resolution excusing Mr. Schrum for Township Council meetings until he is able to attend. Mr. Rainone added this is required as per the municipal vacancy law.

Motion – Excuse Councilman Schrum from Township Council meetings during his illness

A motion was made by Deputy Mayor McKenzie and seconded by Ms. Ashley-Williams to excuse Mr. Schrum from Township Council meetings during his illness. Said motion carried unanimously upon voice vote.

Mayor Levine suggested that Resolution #04-101 be removed from the Consent Agenda and action upon at this time.

Resolution #04-101 – Authorize Naming of Bridge at Environmental Center as the *James P. Pettit Bridge*

Motion – Remove Resolution #04-101 from Consent Agenda

A motion was made by Mr. Chivukula, seconded by Ms. Eberle to remove Resolution #04-101 from the Consent Agenda. Said motion carried unanimously upon voice vote.

Upon motion by Mr. Chivukula, seconded by Mr. Regan, the following resolution was adopted unanimously as follows upon call of the roll:

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

WHEREAS, the Township of Franklin desires to honor of James P. Pettit, Capital Projects Engineer in recognition of his excellent service to the Township upon his retirement;

BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset, State of New Jersey that it hereby names the bridge at the Environmental Center the *“James P. Pettit Bridge”*.

REVIEW OF PREPARED AGENDA

The following items were removed from the agenda:

- Council Discussion Item Financial Oversight Committee Report (postponed to 3/2/04)
- Council Discussion Item Property Taxes (postponed to 3/2/04)
- Introduction of Ordinance #3433 (still negotiating)
- Introduction of Ordinances #3438, #3441 and #3442 (need more information)

The following item was removed from the Consent Agenda:

- Resolution #04-099 – Amending Professional Services Agreement with Schoor DePalma for Middlebush Park Improvements - \$43,898.00.

The Council Member on the Stormwater Management Committee and the Member to be appointed to the unexpired five-year term ending December 31, 2005 on the Human Relations Commission will be made at the March 9th meeting.

Regina Doyle was added as the United Seniors of Franklin Alternate to the Senior Citizen Advisory Committee for a one-year term ending January 31, 2005.

APPROVAL OF MINUTES

Corrections were made by Mr. Regan to the February 10th Regular Meeting Minutes.

Upon motion by Deputy Mayor McKenzie and seconded by Mr. Chivukula, the following minutes were approved:

- Agenda Meeting – January 6, 2004
- Special Meeting – February 3, 2004
- Agenda Meeting – February 3, 2004
- Regular Meeting – February 10, 2004 (as amended)

The aforesaid minutes were approved as follows upon call of the roll:

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

Upon motion by Deputy Mayor McKenzie, seconded by Mr. Chivukula, the minutes of the Regular Meeting of October 14, 2003 were approved 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	Schrum
Levine	McKenzie		Regan	
Sumter			Unger	

WARRANTS

Read by Mayor Levine:

1	Current	6,201,233.44
5	Water Operating	357,168.71
6	Water Capital	

4	General Capital	880,538.38
15	General Trust	22.50
18	Self Insurance Trust	8,770.39
21	Recreation Trust	45.00
12	Open Space Trust	10,218.97
2	Grant	665.50
29	Unemployment Trust	5,054.09
3	Collector Trust	73,398.35
13	Redevelopment Agency	161.25
	SUB-TOTAL	7,537,276.58
	Escrow Account	6,350.00
	GRAND TOTAL	7,543,626.58

Motion was made by Mr. Chivukula and seconded by Mr. Regan 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>
Ashley-Williams	Chivukula			Schrum
Eberle	Levine			
McKenzie	Regan			
Sumter	Unger			

Motion was carried.

ORDINANCES, PUBLIC HEARING

Ordinance No. 3430

Mayor Levine offered the following ordinance:

BOND ORDINANCE AMENDING AND SUPPLEMENTING BOND ORDINANCE NUMBER 3049 HERETOFORE FINALLY ADOPTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP ON MAY 25, 1999 ENTITLED, "BOND ORDINANCE PROVIDING FOR THE FEASIBILITY STUDY PHASE OF DRAINAGE IMPROVEMENTS TO THE EASTON FARMS AREA OF THE TOWNSHIP, A LAWFUL PUBLIC PURPOSE, BY THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$400,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$380,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COSTS THEREOF," TO INCREASE THE APPROPRIATION THEREIN BY \$4,369,000, TO INCREASE THE AUTHORIZATION OF BONDS OR NOTES THEREIN BY \$4,160,952 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 Ms. Ashley-Williams and carried unanimously upon voice vote.

John P. Grosso, 127 Winchester Way, asked how much was the additional appropriation. Mr. Daly replied that the original contract for engineering was \$400,000. This additional appropriation of \$4,369,000 is for the construction. Mr. Grosso stated he is pleased this project is finally coming to life.

There being no further 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 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	Chivukula			Schrum
Eberle	Levine			
McKenzie	Regan			
Sumter	Unger			

Mr. Daly reported negotiations are still continuing with the Homeowners Association in regards to Ordinance Nos. 3431 and 3432. He recommended the public hearings be held as advertised and Council table the ordinances until March 9th.

Ordinance No. 3431

Mayor Levine offered the following resolution:

AN ORDINANCE TO ACQUIRE BY PURCHASE OR CONDEMNATION CERTAIN LANDS WITHIN THE TOWNSHIP OF FRANKLIN, SOMERSET COUNTY, 0.703 ACRE PORTION OF BLOCK 34.09, LOT 59.02 – VLIET ROAD FOR PURCHASE OF LAND UNDER WATER TANK

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.

Philip Kramer, 429 Canal Road, TUF, asked for clarification of the ordinance and if the acquisition of this property would result in the placing of cellular antennas on the water tower.

Mr. Daly replied when the property was subdivided, the land under the tower was retained by the Homeowners Association instead of being deeded to the Township. There is an easement, which allows the Township onto the property with regards to the water tower. Mr. Daly further explained the Township's cellular tower ordinance prioritized the locations to be used for cellular towers. The water tower is a prime location. He explained the Township was not aware of the lack of ownership of the land under the water tower until the Omnipoint application came before the Planning Board. If the Township were able to amend the easement, the revenues received from the cellular company would be split between the Township and the Homeowners Association.

John P. Grosso, 127 Winchester Way, stated it is hard to believe that the Township doesn't own the land under the water tower. Mr. Grosso asked how much revenue could the Township receive. Mr. Daly replied between \$1,000 and \$2,000 per month.

Mr. Unger stated it would be better to buy the property and keep all the revenue from the tower and it would be paid off in two and a half (2 ½) years. Mr. Grosso agreed.

Mr. Daly and Mr. Rainone both stated it is better government to negotiate an amendment to the easement and split the revenues rather than condemn the property and keep all the revenues.

There being no further 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 Deputy Mayor McKenzie to table the ordinance until the March 9, 2004 meeting. 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>
Ashley-Williams	Chivukula			Schrum
Eberle	Levine			
McKenzie	Regan			
Sumter	Unger			

Ms. Ashley-Williams clarified not all individuals in the Homeowners Association are in agreement with this matter and if they become more aware, they will be attending the meeting to oppose it. Mr. Grosso voiced his concerns that not enough information has been given to the public.

Ordinance No. 3432

Mayor Levine offered the following ordinance:

CAPITAL ORDINANCE PROVIDING FOR THE ACQUISITION OF A UTILITY EASEMENT ON BLOCK 34.09, LOT 59.02, IN AND BY THE WATER UTILITY OF THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$65,000 THEREFOR FROM THE WATER UTILITY CAPITAL IMPROVEMENT FUND OF THE TOWNSHIP TO PAY THE COST 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, stated it would be neglect on the part of the Homeowners Association if they do not inform all their members of this matter.

Mr. Regan asked if the property were bought by the Township would the revenue go back into the water utility to offset the purchase price. Mr. Daly replied it would be a budget decision as to where the revenues would go into the budget.

Mr. Unger reiterated his opinion that the Township should purchase this property for \$65,000. Mr. Rainone replied that the property may cost more than \$65,000 if the Homeowners Association rejects the Township's offer and refuses to sell the property. After condemnation papers are filed, the Homeowners Association would appraise the property and it may be for more than \$65,000 when it is appraised as a revenue making property.

There being no further 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 table the ordinance until the March 9, 2004 meeting. 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>
Ashley-Williams	Chivukula			Schrum
Eberle	Levine			
McKenzie	Regan			
Sumter	Unger			

PUBLIC DISCUSSION

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

Lucretia Corteylou, 1892 Amwell Road, expressed her concern of the lack of news coverage of Council meetings and events. She stated residents have the right to know what is going on. She stated the press releases are usually one-sided and inaccurate. She asked Deputy Mayor McKenzie to try to resolve this matter. Ms. Corteylou stated there was insufficient notice regarding the Fire District Elections. Deputy Mayor McKenzie agreed there should be more information to the public.

Philip Kramer, 429 Canal Road, requested all legal ads be posted on the web page so it would be most convenient to the public. Mr. Kramer asked that a non-binding referendum question be placed on the November ballot asking residents what they think is proper use of open space funds. Mr. Kramer stated use of eminent domain in the water tower property is not a proper use of the process. Mr. Kramer stated the \$230 he pays to the Fire District per year is money well spent. Mr. Kramer told Mr. Unger, Liaison to the Board of Education, that he would like to see him at Board of Education meetings.

John Grosso, 127 Winchester Way, referred to Mayor Levine's inaugural speech and asked for clarification on certain points from Mayor Levine. Mayor Levine answered each question made about his speech and maintained his comments and promises in the speech.

Harold Leventhal, 360 DeMott Lane, stated there is a problem with communications in the Township. He stated the website helps and suggested a bulletin board to be located on the front lawn of the Municipal Complex. Mayor Levine replied the Township would look into this suggestion.

Gladys Jones, 83 Churchill Avenue, expressed her concerns regarding the condition of the homes on Churchill Avenue as well as the condition of Churchill Avenue itself. Mr. Daly replied that Ms. Jones come to talk to him in his office and he would contact the Health Department to check on property maintenance and health issues and the Engineering Department to check on the road conditions.

Courtney Throckmorton, 591 Somerset Street, expressed his concerns of neighbors who have cars parked on their property and litter problems on Route 27. Mr. Throckmorton expressed his opposition of use of eminent domain.

Mr. Throckmorton asked for the status of Alexander Street within the Redevelopment Area. He stated Mr. Wright's property will become an island between two parking areas. He recommended Mr. Wright's property be considered to be purchased because the current design will severally impede it.

Mr. Throckmorton announced his contribution to Mayor Levine's campaign fund was not solicited and it is his right and privilege to contribute to whomever he chooses.

Mr. Daly, in response to Mr. Throckmorton's comments about Mr. Wright's property, stated the Redevelopment Agency is aware and sensitive to Mr. Wright and other property owner's situation and have directed Mr. Daly to find alternatives, such as buying these properties. He stated this is the direction the Agency is pursuing.

Chip Hoever, 9 Stallion Court, expressed his opposition of using eminent domain for profit. He reviewed the campaign expenses of the democratic and republican candidates. He reviewed election campaign reports of various candidates.

Mike Orsini, 24 Nepote Place, commended the Township Clerk for the placement of 2004 minutes on the website and noted this was not a reflection of the prior Township Clerk.

Mr. Orsini commended Mr. Regan's comments made at the January 25th Council Retreat and agreed that the possibility of increasing the open space tax should be addressed.

Mr. Orsini referred to bills that would allow school districts to apply for shade tree funds. He asked Council to adopt a resolution supporting these bills.

Mr. Orsini stated that political campaigns and contributions are the same everywhere.

Alex Mansaray, 821 Hamilton Street, expressed his concerns regarding the Somerset County Action Program. He wanted clarification of how members are appointed to the Board. Mr. Sumter replied Council Members are appointed as liaisons to the Board. Mr. Mansaray stated the Somerset County Action Program is forgetting the youths of the Township who are the future of the Township. Mr. Sumter and Mayor Levine both stated they would meet with Mr. Mansaray to discuss his concerns and investigate his allegations.

Shirley Pietrucha, 49 9th Street, commended the Township Manager and Clerk for the coverage of the retreat on the website and noted she appreciated their efforts.

Ms. Pietrucha agreed with Mr. Regan's comments from the last meeting regarding plain language be used in ordinances and resolutions to help residents understand more.

Ms. Pietrucha stated she voted for Mayor Levine because of his views on the sunshine law, fiscal responsibility, accountability in government, open government, open public records act.

Mark Grieco, 21 Cooper Avenue, expressed his concerns with the deterioration of property maintenance within the Township. He expressed his concerns of the single homes be converted into multi-family homes and the large amount of people living in one home.

John Grosso, 127 Winchester Way, responded to Mr. Hoever's comments on election campaigns and reporting. Mr. Grosso asked Council to negotiate a senior center with one the developers in the Township.

John McConville, 5 Stone Leigh Way, asked if tax assessment would be discussed at the next meeting. It was replied in the affirmative.

Mr. McConville cautioned Council about placing a bulletin board on the front lawn of the Municipal Complex. The Police Department should be involved to ensure it would not cause accidents.

Mr. McConville asked if the Township has an estimate of what it would cost to comply with the new Stormwater Management Regulations. Mr. Daly replied they have rough estimates and the Financial Oversight Committee is beginning to look into the costs.

Mr. McConville expressed his concerns regarding the condition of Cedar Grove Road after all the construction is completed.

Mr. McConville expressed his opinion that the discussions regarding elections should stop now that election season is over.

COUNCIL COMMENTS

Mr. Regan agreed that Council meeting are the place for legitimate issues to be handled and residents' concerns. He stated it is no place for politics. He stated that a more effective and efficient way to handle the public portion of meeting should be reviewed.

Mr. Unger stated it is important for people to bring their concerns to Council and make them aware. He stated there are huge problems at Canal Walk that should be addressed.

Ms. Eberle asked that impact fees be addressed and it may be the time to get a building from the developers. Ms. Eberle asked that the election not be re-hashed and for people to move forward and work together for the betterment of Franklin Township.

Ms. Ashley-Williams stated it is important to keep citizens informed. She thanked present Township Clerk Ann Marie McCarthy and former Township Clerk Marc Dashield for working hard to get minutes up to date and on the website. She stated that only a small portion of residents view the minutes and a better way to communicate with residents needs to be addressed. Ms. Ashley-Williams stated she would work with Mr. Sumter regarding Mr. Mansaray's concerns with the Somerset County Action Program.

Ms. Ashley-Williams reminded everyone it was Black History Month and that Franklin Township should celebrate diversity all year round. She also reminded everyone that it is Heart Month and encourage everyone to stay healthy.

Mr. Sumter commended the community events for Black History month and stated there is a need to communicate better with the community.

Mr. Unger agreed there is a need to get the information out to the residents more efficiently. He noted there is a newsletter that is mailed out four times a year and that meetings will be televised shortly on the Township's Government Access Channel.

Deputy Mayor McKenzie commended those who participated in a skit at the Board of Education meeting regarding sexually transmitted diseases. The school board budget will be presented to the public on March 9th and urged all citizens to attend.

Deputy Mayor McKenzie stated that information sharing is important and he will look into the incorrect information that is being published in the newspapers.

Deputy Mayor McKenzie stated he is also tired of hearing about the election and hopes the comments will stop to better use the meeting time.

Deputy Mayor McKenzie suggested that Council rethink putting a bulletin board on DeMott Lane.

Mayor Levine agreed that impact fees should be addressed. He stated he hopes that everyone can put the election behind them and move forward. He agreed that communication is important. He is optimistic that Council can work together and disagreement is good.

Ordinance No. 3435

Mayor Levine presented the following ordinance:

AN ORDINANCE CHANGING THE NAME OF A PORTION OF STREET KNOWN AS AMWELL ROAD TO OLD AMWELL ROAD, IN THE TOWNSHIP OF FRANKLIN, SOMERSET COUNTY, NEW JERSEY 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 23, 2004.

The aforesaid ordinance was moved by Mr. Chivukula and seconded by Mr. Sumter. 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>
Ashley-Williams	Chivukula			Schrum
Eberle	Levine			
McKenzie	Regan			
Sumter	Unger			

Ordinance No. 3436

Mayor Levine presented the following ordinance:

AN ORDINANCE RELEASING, EXTINGUISHING AND VACATING THE RIGHTS OF THE PUBLIC IN A PORTION OF STREET KNOWN AS SCHOOL HOUSE ROAD BETWEEN WESTON CANAL ROAD AND METTLARS ROAD IN THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY 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 23, 2004.

The aforesaid ordinance was moved by Mr. Chivukula and seconded by Mr. Sumter. 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>
Ashley-Williams	Chivukula			Schrum
Eberle	Levine			
McKenzie	Regan			
Sumter	Unger			

Ordinance No. 3437

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 112, DEVELOPMENT - SECTION 112-6, ZONING DISTRICTS - PORTION OF PARCEL 10B – SCHOOL HOUSE ROAD FROM A (AGRICULTURAL) TO S-C-V (SENIOR CITIZEN VILLAGE) 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 23, 2004.

The aforesaid ordinance was moved by Mr. Chivukula and seconded by Mr. Sumter. 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>
Ashley-Williams	Chivukula			Schrum
Eberle	Levine			
McKenzie	Regan			
Sumter	Unger			

Ordinance No. 3439

Mayor Levine presented the following ordinance:

AN ORDINANCE RELEASING, EXTINGUISHING AND VACATING THE RIGHTS OF THE PUBLIC IN A PORTION OF STREET KNOWN AS MYRTLE STREET IN THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY 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 23, 2004.

The aforesaid ordinance was moved by Mr. Chivukula and seconded by Mr. Sumter. 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>
Ashley-Williams	Chivukula			Schrum
Eberle	Levine			
McKenzie	Regan			
Sumter	Unger			

Ordinance No. 3440

Mayor Levine presented the following ordinance:

AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 226 - VEHICLES AND TRAFFIC, SECTION 226-30 (ON STREET HANDICAPPED PARKING SPACE (DELETE 11 CHESTER AVENUE) 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 23, 2004.

The aforesaid ordinance was moved by Mr. Chivukula and seconded by Mr. Sumter. 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>
Ashley-Williams	Chivukula			Schrum
Eberle	Levine			
McKenzie	Regan			
Sumter	Unger			

CONSENT AGENDA

The following items were removed from the Consent Agenda and were acted upon separately:

- Resolution #04-099 – Amend Professional Services Agreement with Schoor DePalma in connection with Middlebush Park Improvements.
- Appointment of Franklin Township Representative to the Somerset County Coalition on Affordable Housing Board of Directors.

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>
Ashley-Williams	Chivukula			Schrum
Eberle	Levine			
McKenzie	Regan			
Sumter	Unger			

Resolution #04-091: Establishment and Appointment of Stormwater Management Committee.

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 establish a Stormwater Management Committee as follows:

1. The Committee shall consist of eight members to be appointed by the Township Council consisting of a Council Member; Township Manager's Representative; Township Engineer, Environmental Commission

Member; Planning Board Member; Business & Industry Advisory Committee Member; Health Department Representative Member and Purchasing Administrator for one (1) year terms commencing January and expiring December 31 of each year.

2. The function of the Stormwater Management Committee is as follows:
 - a) To formulate the Township's Municipal Stormwater Pollution Prevention Plan within twelve (12) months of the effective date of the NJDEP Stormwater Permit Application;
 - b) Develop a public education campaign in accordance with the new NJDEP Stormwater Regulations within twelve (12) months of the effective date of the NJDEP Stormwater Permit Application;
 - c) Draft Franklin Township's Stormwater Control Ordinance.

BE IT FURTHER RESOLVED that the following persons are hereby appointed to serve on the Stormwater Management Committee from the date of adoption of this resolution to December 31, 2004:

Township Manager's Representative	Kenneth W. Daly
Township Engineer	Joseph Russo
Environmental Commission Member	Theodore Chase
Planning Board Member	Frank Hasner
Business & Industry Advisory Committee Member	Joseph Punia
Health Department Representative	Walter Galanowsky
Purchasing Administrator	Joyce Miller

Resolution #04-092: Amend contract with Summco, Inc., d/b/a Maaco Auto Painting & Body Works for automobile body repair and refinishing by extending the contract for three (3) additional months (March 1, 2004 to May 31, 2004) at the existing terms and conditions not to exceed \$20,000.00.

BE IT AND IT IS HEREBY RESOLVED that the resolution adopted February 12, 2002 awarding bids for automobile body repair and refinishing for the period March 1, 2002 to February 29, 2004:

**Summco, Inc., d/b/a
Maaco Auto Painting and Body Works
17H Edgeboro Road
East Brunswick, NJ 08816**

be extended for the period March 1, 2004 to May 31, 2004 in an amount not to exceed \$20,000.00; and

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

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Township Clerk be and the same are hereby authorized to enter into a contract with the above listed company.

Resolution #04-093: Authorize Change Order for contract with Tree Tech for tree trimming and removal services in an amount not to exceed \$8,000 (Final Contract Total - \$23,000).

WHEREAS, the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey, has on April 22, 2003, authorized the awarding of a contract to

TREE TECH, INC.

PO Box 158

Mt. Freedom, NJ 07970

An amount not to exceed \$15,000.00; and

WHEREAS, during the course of the project the need for additional tree trimming and removal services, resulting in the need to increase the contract as follows:

CHANGE ORDER NO. 1:

Additional tree trimming and removal services	\$8,000.00
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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 by the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey, does hereby authorize the issuance of Change Order N. 1 to the contract with Tree Tech, Inc.; and

Resolution #04-094: Authorizing 2004 Municipal Alliance Grant Agreement in the amount of \$37,500 for substance abuse prevention programs.

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 2004 Franklin Township Municipal Alliance for Prevention of Substance Abuse Grant Agreement with the Somerset County Department of Human Services in the amount of \$37,500.00 with a \$9,375.00 cash match and \$28,125.00 in-kind by the Township.

Resolution #04-095: Authorize Purchase of Motorcycle for Patrol Use from Harley Davidson – Ocean County in the amount of \$14,151.25 to be funded by 2004 Local Law Enforcement Block Grant.

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: Harley Davidson of Ocean County
300 Route 70 East
Lakewood, NJ 08701

ITEMS: Police Duty Motorcycle

COST: Not to exceed \$14,151.25

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 #04-096: Award Contract with National Waterworks for meter reading equipment, including handheld devices, chargers and software upgrade in an amount not to exceed \$11,775.00.

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: National Waterworks
700 Challenger Way
Forked River, NJ 08731-5914

ITEMS: Meter Reading Equipment, including handheld device, charger and software upgrade

COST: Not to exceed \$11,775.00

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 #04-097: Authorize Juvenile Accountability Incentive Block Grant Agreement in the amount of \$11,715 (cash match of \$1,302) to fund a part-time counselor for the ARISE Program; Substance Abuse Counseling Services and the 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 #04-098: Authorize Juvenile Justice Delinquency Prevention Grant Agreement in the amount of \$52,500 to support the Character Assets Program and the establishment of a Youth Council.

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 Juvenile Justice Delinquency Prevention Grant. The funding will be used to support the Character Assets Program and establish a Youth Council, in the amount of \$52,500.00.

Resolution #04-100: Authorize Raffle for Church of St. Matthias to be held on March 27, 2004 from 10:30 am to 1:00 pm at the St. Matthias School Cafeteria.

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 Raffle - RL#1426 Drawing : St. Matthias School Cafeteria	March 27, 2004 10:30 am – 1:00 pm
Spartan Club of Immaculata High School 240 Mountain Avenue, Somerville, NJ On-Premise Raffle – RL#1427 Drawing : DoubleTree Hotel, Somerset	April 24, 2004 10:30 am – 3:30 pm
Church of St. Matthias 170 JFK Boulevard, Somerset, NJ Non-Draw Raffles – RL#1428 On-Premise 50/50 – RL#1429 Drawings: St. Matthias Church Grounds	May 11-14, 2004 6:00 p.m. – 10:00 p.m. May 15, 2004 2:00 p.m. – 10:00 p.m. May 16, 2004 2:00 p.m. – 9:00 p.m.
Church of St. Matthias 170 JFK Boulevard, Somerset, NJ Off-Premise 50/50 – RL#1430 Drawing: St. Matthias Church Grounds	May 16, 2004 9:00 p.m.

Resolution #04-102: Award Purchase of Rock Salt through Somerset County Cooperative to Atlantic Salt, Inc. in an amount not to exceed \$31.89 per ton and through New Jersey State Contract to International Salt in an amount not to exceed \$43.20 per ton as a backup vendor with a total not to exceed \$90,000.

WHEREAS, the Township of Franklin desires to purchase items as follows through Somerset County Cooperative, which items exceed the prevailing bid threshold:

VENDOR: ATLANTIC SALT, INCORPORATED
130 Plain Street PO Box 269
Lowell MA 01853
Somerset County Cooperative No. 2-SOCCP, CC-50-02

ITEMS: Rock Salt for ice control

COST: An amount not to exceed \$31.89 per ton

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

VENDOR: INTERNATIONAL SALT
655 North Blvd. PO Box 540
Clarks Summit, PA 18411
Somerset Contract No. 57071

ITEMS: Rock Salt for ice control

COST: An amount not to exceed \$43.20 per ton

WHEREAS, the Chief Financial Officer has certified in writing, a copy of which certification is attached hereto, 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 Somerset County Cooperative and State Contract, respectively.

Resolution #04-103: Approval of Special Event Permit for St. Matthias Family Run/Walk to be held on Sunday, March 27, 2004.

WHEREAS, a request has been received from Saint Matthias School (Doctor Patrick, Vice Principal, 170 John F. Kennedy Boulevard, Somerset NJ 08873) for permission to have Saint Matthias Family Run/Walk on Saturday, March 27, 2004 between the hours of 10:00 am and 1:00 pm, to be conducted along streets on a map on file with the Township Clerk; and

WHEREAS, Saint Matthias School has requested that the Permit Fee of \$125.00 be waived since they represent a non-profit organization; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset, New Jersey, that permission is hereby granted to Saint Matthias School to conduct Family Run/Walk on Saturday, March 27, 2004 between the hours of 10:00 am and 1:00 pm, to be conducted along streets shown on a map on file with the Township Clerk, subject to compliance with the requirements of Township Officials, including but not limited to the Chief of Police and Director of Fire Prevention; and

BE IT FURTHER RESOLVED that the permit fee of \$125.00 be waived since said organization is a non-profit organization; and

BE IT FURTHER RESOLVED that the Applicant shall be responsible for providing a sufficient number of off-duty Police Officers to the satisfaction of the Chief of Police during the conduct of this event:

- (1) Applicant shall deposit with the Township Finance Director, at least five (5) days prior to the event, an escrow amount sufficient to cover the cost of said off-duty police protection in accordance with the fee schedule set forth in Ordinance #1417;
- (2) Payment to said off-duty police officer for services provided shall be made by the Finance Department from said escrow deposit. Should escrow funds be found insufficient, the Applicant shall deposit additional funds with the Finance Department to cover the remaining cost of off-duty police protection;
- (3) Any unused monies deposited for off-duty police protection shall be returned by the Township Clerk to the person or organization making the deposit upon approval of the Chief of Police.

BE IT FURTHER RESOLVED that in accordance with Section 97-6 (e) of the Township Code that there shall be deposited with the Township Clerk a cash deposit, money order, certified check or treasurer's check in the amount of \$300.00 to guarantee the maintenance of the premises on which the applied for activity is to be conducted; and,

- (1) If at the end of such activity, the Health Inspector of the Township decides that the premises were not returned to the condition they were in as of the time that the applied for activity commenced, he/she shall be authorized to return the premises to such condition and to pay for having same done out of the deposit left with the Township Clerk for such purposes;

- (2) Any unused monies deposited for maintenance shall be returned by the Township Clerk to the person or organization making the deposit upon approval of the Health Inspector.

Resolution #04-104: Authorize Tax Title Lien Redemption – 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 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 10, 2003	138/13	HUGHES, VINCENT 485 Elizabeth Avenue Somerset NJ 08873 (75 Frank Street)	\$ 733.55
PAID:	February 3, 2004	CERT #03-081	
LIENHOLDER:	Elliot Loeb Keogh Plan	1 Lakeview Road	Saratoga Springs NY 12866
June 10, 2003	367/14	TANGHAL, ROMEO & AURORA 7 Heinrich Road Somerset NJ 08873	\$ 499.86
PAID:	February 6, 2004	CERT #03-190	
LIENHOLDER:	James C. Older	87 East Mountain Road	Hillsborough NJ 08844
June 10, 2003	507/56	METCALF, H. & FUSCHINO, L. 501 Elizabeth Avenue Somerset NJ 08873	\$36,746.02
PAID:	February 3, 2004	CERT #03-234	
LIENHOLDER:	Plymouth Financial Company	PO Box 2288	Morristown NJ 07962-2288

Resolution #04-105: Authorize reduction of performance guarantee with Somerset County Action Program (Docket # PLN2002-0021) from \$738,000 to \$390,904.66 (more than 30% of original).

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

ITEM: PERFORMANCE BOND – CASH DEPOSIT

NAME OF APPLICANT: SOMERSET COUNTY ACTION PROGRAM
C/o Isaac L. Dorsey, Executive Director/Head Start Director

ADDRESS OF APPLICANT: 429 Lewis Street PO Box 189 Somerset NJ 08873

NUMBER: Check No. 5922
 INSURANCE COMPANY: First Union Bank
 IN THE AMOUNT OF: \$738,000.00

FOR: Site Improvements for Docket No. PLN2002-0021; Block 528.06/Lot 5.07, 113 Belmont Street; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, Somerset County, New Jersey that the aforesaid Performance Guarantee be released upon receipt of a performance guarantee in the amount of \$390,904.66 (more than 30% of the original).

Resolution #04-106: Authorize release of Planning/Building Review and Inspection 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: L'OREAL USA

ADDRESS: 100 Commerce Drive
 Somerset NJ 08873
 DOCKET NO: PLN2002-0094
 BLOCK/LOT: 86.03/10.03, 10.31 & 11
 LOCATION: 100 Commerce Street
 AMOUNT DEPOSITED: \$3,000.00 Plan Review
 AMOUNT CHARGED: 1,312.50
 AMOUNT TO BE REFUNDED: \$1,687.50

APPLICANT: **L'OREAL USA**
 ADDRESS: 100 Commerce Drive
 Somerset NJ 08873
 DOCKET NO: PLN2002-0094
 BLOCK/LOT: 86.03/19,3, 10.31 & 11
 LOCATION: 100 Commerce Drive
 AMOUNT DEPOSITED: \$3,774.75 Inspection Fees
 AMOUNT CHARGED: 1,375.50
 AMOUNT TO BE REFUNDED: \$2,399.25

APPLICANT: QUAILBROOK VILLAGE HOA

ADDRESS: 30 Wall Street
 Princeton NJ 08540
 DOCKET NO: PLN2002-0020
 BLOCK/LOT: 424.10/158
 LOCATION: 150 Hyde Park Road
 AMOUNT DEPOSITED: \$1,000.00 Plan Review
 AMOUNT CHARGED: 80.00

AMOUNT TO BE REFUNDED: \$ 920.00

APPLICANT: JOHN STILLMAN

ADDRESS: 2 Three Acre Lane
Princeton NJ 08540
DOCKET NO: BRA02-031
BLOCK/LOT: 14/11
LOCATION: 2 Three Acre Lane
AMOUNT DEPOSITED: \$150.00 Building Review
AMOUNT CHARGED: <130.00>
AMOUNT TO BE REFUNDED: \$ 20.00

APPLICANT: SEAN TIERNEY

ADDRESS: 3 Como Drive
Somerset NJ 08873
DOCKET NO: ZBA2002-0007
BLOCK/LOT: 508.02/18.02
LOCATION: 3 Como Drive
AMOUNT DEPOSITED: \$350.00 Plan Review
AMOUNT CHARGED: 90.00
AMOUNT TO BE REFUNDED: \$260.00

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 #04-107: 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
300/55.01	Township of Franklin	1/03	6.57
36.01/6.03	475 DeMott Lane Somerset NJ 08873	1/04	20.00
20.10/11.02	Michele & Michael Fisher C1910 3 South Heathcote Ave. Edison NJ 08817-4775	1/04	1,058.31
34.06/16.05	Craig L. Henderson C0111 917 Wenonah Ave Ste #2 Oak Park IL 60304	1/04	1,043.14
39/4.03	Weichert Financial Services PO Box 510 Morris Plains NJ 07950-0510	2/04	924.91
112/16.01	Michael Freund	1/04	1,946.12
112/25.01	28 Voorhees Avenue Somerset NJ 08873	1/04	1,460.48
156/16	First American Real Estate Tax 95 Methodist Hill Road Suite 100 Rochester NY 14623	1/04	898.37
386.11/29	ABN AMRO Mortgage Group 7159 Corkland Drive Corporate Advance Recovery	2/04 3/04	1,100.69 125.49

Jacksonville FL 32258
 424.14/97 Brenda Westfall 2/04 319.51
 C0011 10 Steeplechase Court Somerset NJ 08873

Resolution #04-108: Authorize release of performance guarantee of L'Oreal USA (Docket # PLN2002-0094 in the amount of \$317,079.

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

ITEM: **IRREVOCABLE LETTER OF CREDIT**

NAME OF APPLICANT: L'OREAL USA
ADDRESS OF APPLICANT: 133 Terminal Avenue
 Clark NJ 07066
NUMBER: 315036006
INSURANCE CO./BANK: Credit Lyonnais
 1301 Avenue of Americas
 New York NY 10019-6022
IN THE AMOUNT OF: \$317,079.00

FOR: Site Improvement for Docket No. PLN2002-0094 – Block 36.03/Lots 10.3, 10.31 & 11 located at 100 Commerce Drive; 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 #04-109: Authorize the insertion of revenue in the 2004 budget – Juvenile Accountability Block Grant in the amount of \$11,715 with a \$1,302 cash match (Chapter 159).

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 \$11,715.00 with \$1,302.00 match for JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT 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 \$11,715.00 which is now available as revenue from: *JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT*.

BE IT FURTHER RESOLVED that a like sum of **\$11,715.00**, for JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT be and the same is hereby appropriated under the caption of: **JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT**.

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 #04-110: Authorize the insertion of revenue in the 2004 budget – NJ Juvenile Justice Delinquency Prevention Grant in the amount of \$52,500.00 (Chapter 159).

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 **\$52,500.00 with \$0.00 match** for NJ JUVENILE JUSTICE DELINQUENCY PREVENTION GRANT 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 **\$52,500.00** which is now available as revenue from: **NJ JUVENILE JUSTICE DELINQUENCY PREVENTION GRANT**.

BE IT FURTHER RESOLVED that a like sum of **\$52,500.00**, for NJ JUVENILE JUSTICE DELINQUENCY PREVENTION GRANT be and the same is hereby appropriated under the caption of: **NJ JUVENILE JUSTICE DELINQUENCY PREVENTION GRANT**.

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 #04-111: Authorizing submission of Grant Application to the NJ State Police Office of Emergency Management for Hazardous Materials Emergency Pass-Through Grant Program in the amount of \$8,000.00.

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 NJ State Police Office of Emergency Management for Hazardous Materials Emergency Pass-Through Grant Program and does authorize the appropriate Township official to execute this grant application on its behalf.

Resolution #04-112: Approval of Special Event Permit for Catholic Community of St. Matthias Church Carnival to be held from May 11, 2004 thru May 16, 2004.

WHEREAS, a request has been received from the Catholic Community of Saint Matthias for permission to have a **CARNIVAL** on:

Tuesday,	May 11;	Wednesday, May 12;	
Thursday,	May 13 &	Friday, May 14	6:00 to 10:00 pm
Saturday,	May 15		2:00 to 10:00 pm

Sunday, May 16

2:00 to 9:00 pm

to be conducted on Church Grounds located at 168 John F. Kennedy Boulevard; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset, New Jersey, that permission is hereby granted to the Catholic Community of Saint Matthias to conduct a **CARNIVAL** on the date and times set forth above, to be conducted **on Church Grounds located at 168 John F. Kennedy Boulevard**, subject to compliance with the requirements of Township Officials, including but not limited to the Chief of Police and Director of Fire Prevention; and

BE IT FURTHER RESOLVED that the Applicant shall be responsible for providing a sufficient number of off-duty Police Officers to the satisfaction of the Chief of Police during the conduct of this event; and

- (1) Applicant shall deposit with the Township Finance Director, at least five (5) days prior to the event, an escrow amount sufficient to cover the cost of said off-duty police protection in accordance with the fee schedule set forth in Ordinance #1417;
- (2) Payment to said off-duty police officer for services provided shall be made by the Finance Department from said escrow deposit. Should escrow funds be found insufficient, the Applicant shall deposit additional funds with the Finance Department to cover the remaining cost of off-duty police protection;
- (3) Any unused monies deposited for off-duty police protection shall be returned by the Township Clerk to the person or organization making the deposit upon approval of the Chief of Police.

BE IT FURTHER RESOLVED that the Catholic Community of Saint Matthias Church shall file with the Township Clerk Ride Vendor's Permit to operate; and

BE IT FURTHER RESOLVED that in accordance with **Section 97-6 of the Township Code** that there shall be deposited with the Township Clerk a cash deposit, money order, certified check or treasurer's check in the amount of \$300.00 to guarantee the maintenance of the premises on which the applied for activity is to be conducted; and

- (1) If at the end of such activity, the Health Inspector of the Township decides that the premises were not returned to the condition they were in as of the time that the applied for activity commenced, he/she shall be authorized to return the premises to such condition and to pay for having same done out of the deposit left with the Township Clerk for such purposes;
- (2) Any unused monies deposited for maintenance shall be returned by the Township Clerk to the person or organization making the deposit upon approval of the Health Inspector.

BE IT FURTHER RESOLVED that in accordance with **Section 97-7 of the Township Code** the applicant shall furnish evidence that a Public Liability Insurance Policy in an amount not less than five hundred thousand (\$500,000) dollars for one (1) person and one million (\$1,000,000) dollars for any one (1) accident which shall be in force and effect at the time such CARNIVAL will be operating.

APPOINTMENTS

The following appointments were made as part of the Consent Agenda:

- Theodore Chase as Environmental Commission Chairman for a one-year term expiring 12/31/04.

- Wandra Ashley-Williams as Council Liaison to the Human Relations Commission for a one-year term expiring 12/31/04.

- The following members to the Senior Citizen Advisory Committee each for a one-year term expiring 12/31/04:

Charles Seigel	Franklin Twp. Senior Citizen Club Regular
Isabella McKenna	Franklin Twp. Senior Citizen Club Alternate
John P. Grosso	Franklin Park Senior Citizen Club Regular
Thomas Alloway	Franklin Park Senior Citizen Club Alternate
Beverly Green	Parkside Senior Citizen Club Regular
Dorothy Spencer	Parkside Senior Citizen Club Alternate
Marlene Galliotto	Somerset Senior Residence – DeMott La. Regular
Flossie Chapman	Somerset Senior Residence – DeMott La. Alt.
Murial Seigal	United Seniors of Franklin Regular
Regina Doyle	United Seniors of Franklin Alternate
Grace Evans	Non-Member Senior Member

- Catherine Barrier as a Regular Member of the Municipal Ethics Board for a five-year term expiring 12/31/08.

- The following members to the Business & Industry Advisory Committee each for a one-year term expiring 12/31/04:

Ellen Ritchie	Planning Board Member
Al Ceasar	Board of Adjustment Member

- The following members to the Business & Industry Advisory Committee each for a four-year term expiring 12/31/07:

Frank Resta	Chamber of Commerce Member
Charles Faherty	Chamber of Commerce Member
Andrew Powers	Business >50 Employees (not affiliated w/Chamber of Commerce)
Jack Pakenham	Retail Comm. >2500 sq. ft. (not affiliated w/Chamber of Commerce)
Kanti Patel	Sm. Bus. Owner <10 Emps. (not affiliated w/Chamber of Commerce)
Michael Moser	Hotel Industry Member
Joseph Punia	Commercial Developer Member

- The following members to the Cable Television Advisory Committee each for a two-year term expiring 12/31/05:

Mary Juzwin	Township Library Representative
Fred A. McKenzie	Council Liaison
Michael Gallagher	Township Staff Representative

- The following members to the Open Space Advisory Committee:

JoAnne Kaiser	Historic Pres. Comm. Member (term exp. 12/31/04)
Michael Orsini	Planning Board Member (term exp. 12/31/05)
Florence Van Pelt	Recreation Council Member (term exp. 12/31/06)
Robert Puskas	Agricultural Adv. Comm. Member (term exp. 12/31/04)
Randy Jones	Unexp. Citizen Member term to expire 12/31/04

- The following members to the Senior Affordable Housing Advisory Council each for a three-year term expiring 12/31/06:

Upendra Chivukula	Regular Member
Gloria Parker	Regular Member
Charles Seigel	Regular Member
Florence Van Pelt	Alternate Member

- Eugene Unger as Council Member to the Community Foundation, Inc. for an unexpired two-year term expiring 12/31/04.
- Brian D. Levine as Council Liaison to the Hamilton Street Business & Community Corporation for a one-year term expiring 12/31/04.
- Eugene Unger as Council Representative to the Special Improvement District Advisory Committee for a one-year term expiring 12/31/04.
- Kara Pothier as a Regular Member of the Kingston Village Advisory Committee for a three-year term expiring 12/31/06.
- The following members to the Youth Services Commission/ Alliance Against Drug Abuse each for a one-year term expiring 12/31/04:

Willis "Rickey" Sumter	Township Council Representative
Brian D. Levine	Township Council Representative
Chief Craig Novick	Chief of Police
Sergeant Richard Grammar	Police Department Representative
Kenneth Schwarz	Police Department Representative
Detective Sean Hebbon	Police Department Representative
Eva Nagy	School Board President
William Westfield	Superintendent of Schools
Orville Wilson	Franklin High School
Valerie Nothey	Student Assistance Coordinator
Jeffrey C. Green	Municipal Court Judge
Walter Galanowsky	Director of Health
Stephanie Carey	Health Department Representative
Dwayne Cruse	Housing Authority Representative
Helen Verhage	Organized Labor Representative
Eileen Ignatoff	Local Mental Health Agency
Reverend Zolie Smith	Clergy Representative
Carol Kelly	General Public Representative
Tony Marano	General Public Representative
Bruce McCracken	General Public Representative
Bruce Medley	General Public Representative
Avis Price	General Public Representative
Doris Robinson	General Public Representative
Dennis Sanders	General Public Representative
Marie Thompson	General Public Representative
Martha Camarda	General Public Representative
William Major	General Public Representative
Lavern Staten-Sanders	General Public Representative
Phyllis Beals	General Public Representative
Cheryl Ambrose	ARISE Representative
Ronnie Weiner	Somerset County Alliance
Kenneth W. Daly	Township Manager or Designee
Lillian Prescott	Youth Services Comm. Representative
Yasmin Wade	Youth Services Comm. Representative
Holly Snyder	Youth Services Comm. Representative
Caitlyn Regan	Youth Services Comm. Representative
Amber Shepard	Youth Services Comm. Representative
Jamie Callahan	Youth Services Comm. Representative

Yvonne Ceasar

Franklin Township Library Representative

- The following members to the Traffic Management Subcommittee each for a one-year term expiring 12/31/04:

Upendra Chivukula	Council Member
Shirley Eberle	Council Member
Bernard Schrum	Council Member
Eugene Unger	Council Member
Sergeant Robert Vornlocker	Police Department Representative

- C. Andrew Twiford and Hank Kolakowski as Township Representatives to the Somerset County Solid Waste Advisory Council each for a one-year term expiring 12/31/04.

RESOLUTION #04-099

Resolution to authorize amendment to Professional Services Agreement with Schoor DePalma for additional services in connection with the Middlebush Park Improvements (Wetlands Re-Flagging, Skate Park and Regulatory Requirements) in an amount not to exceed \$43,898.00.

Mayor Levine expressed his concerns that recreation money could be better spent in other areas and it was his understanding that the skate park would be funded through fundraising.

Upon motion by Mr. Chivukula, seconded by Mr. Sumter the following resolution was 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	Chivukula	Levine		Schrum
Eberle	McKenzie	Unger		
Regan	Sumter			

WHEREAS, by resolution adopted March 26, 2002, Professional Service Agreement was authorized with Schoor DePalma, Incorporated for Professional Engineering Services for the Township of Franklin for Phase 1 of Middlebush Park Recreation Facility in the amount of \$39,440.00 and amended by resolution on September 24, 2002 for an additional amount of \$16,900.00; and

WHEREAS, a need exists to amend said contract to provide an additional \$43,898.00 therefor; 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 amended agreement with the below stated vendor, which

agreement shall be maintained on file with the Township Clerk and available for public inspection.

- (2) This amended 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: SCHOOR DE PALMA, INCORPORATED
ADDRESS: PO BOX 5192 CLINTON, NJ 088092-0192

CONTRACT AMOUNT: Not to exceed an additional \$43,898.00

SERVICE: Additional Engineering Services for Middlebush Park Recreation Facility in accordance with November 19, 2003 and January 29, 2004 Proposals on file with the Township Clerk and available for public inspection.

Wetland Re-Flagging	4,500.00
Skate Park	15,000.00
Base Map Preparation	
Meetings	
Preliminary & Final Design Construction Plans	
Specifications	
Engineer's Construction Estimate	
Regulatory Requirements	24,398.00
Stream Encroachment, NJDEP	
Delaware & Raritan Canal Commission	
Somerset County	
TOTAL	<u>\$43,898.00</u>

APPOINTMENT OF FRANKLIN TOWNSHIP REPRESENTATIVE TO THE SOMERSET COUNTY COALITION ON AFFORDABLE HOUSING BOARD OF DIRECTORS

Mr. Chivukula moved the nomination of Brian Regan as the Franklin Township Representative to the Somerset County Coalition on Affordable Housing Board of Directors for a one-year term expiring 12/31/04. Said motion was seconded by Mr. Sumter.

Mayor Levine moved the nomination of Catherine Barrier Regan as the Franklin Township Representative to the Somerset County Coalition on Affordable Housing Board of Directors for a one-year term expiring 12/31/04.

The Township Clerk polled the Council on the aforesaid nominations:

Brian Regan

Ms. Ashley-Williams
Mr. Chivukula
Ms. Eberle
Mr. McKenzie
Mr. Regan
Mr. Sumter

Catherine Barrier

Mayor Levine
Mr. Unger

Mayor Levine announced that Brian Regan was appointed as the Franklin Township Representative to the Somerset County Coalition on Affordable Housing Board of Directors for a one-year term expiring 12/31/04.

LIBRARY BOARD APPOINTMENTS

Mayor Levine announced the following Library Board Appointments:

- Chip Hoever as a Regular Member to the Library Board for a five-year term expiring 12/31/08.
- Brian Lewis as a Regular Member to the Library Board for an Unexpired five-year term ending 12/31/04.
- Shirley Pietrucha as the Mayor's Designee to the Library Board for a one-year term ending 12/31/04.

Upon motion by Deputy Mayor McKenzie, seconded by Mr. Chivukula, Wandra Ashley-Williams was appointed Council Liaison to the Library Board for a one-year term ending 12/31/04. Said motion carried unanimously upon voice vote.

Deputy Mayor McKenzie expressed his disappointment that Diane Herman was not re-appointed to the Library Board. He stated she has serviced with dedication and commitment for the last 20 years. Deputy Mayor McKenzie stated she should have been considered for re-appointment.

Ms. Ashley-Williams stated she is glad that Sam Nelson is still on the Library Board. She expressed the Library Board's need for experience during the Library Expansion Project. Ms. Ashley-Williams stated Mr. Nelson and Ms. Herman have been very involved in the expansion project and Ms. Herman should have been considered for re-appointment.

Mayor Levine stated that Ms. Herman was considered with the other appointees.

Ms. Eberle stated Ms. Herman was the life blood of the Library Board and stated that she admires Ms. Herman for all the work she has done while serving on the Library Board. Mayor Levine stated he also respects and admires Ms. Herman.

Ms. Ashley-Williams stated it is not that the other appointees are not qualified, it is that Ms. Herman's qualifications are known.

Mayor Levine took offense to the Council's difficulties with his appointments to the Library Board. Both Deputy Mayor McKenzie and Ms. Ashley-Williams stated they do not have a problem with the appointments, they were just stating their opinions.

Due to the lateness of the hour, Mayor Levine announced the Executive Session items would be discussed at the March 2nd meeting.

ADJOURNMENT

Mr. Chivukula moved to adjourn the meeting at 10:12 p.m. Said motion was seconded by Deputy Mayor McKenzie and carried unanimously upon voice vote.

Brian D. Levine, Mayor

Ann Marie McCarthy, Township Clerk

Approved:

Date: