

**WORK SESSION/REGULAR MEETING OF THE TOWNSHIP COUNCIL**  
**TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, NEW JERSEY**  
**FEBRUARY 25, 2003**

The Work Session/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 7:07 P.M.

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

The invocation was given by Ms. Eberle.

The Township Clerk called the roll.

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

Absent: Mr. Mazzola. Council was advised that Councilman Mazzola has been called up for active duty with the Air Force Reserves.

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

**PROCLAMATIONS – YOUTH ART MONTH – REQUESTED BY CEDAR WOODS WOMAN’S CLUB & FRANKLIN WOMAN’S CLUB**

**Read by Deputy Mayor Grippo**

**WHEREAS**, art education contributes powerful educational benefits to all elementary and secondary students including the following:

\*art education develops students' creative problem-solving and critical thinking abilities; and

\*art education teaches sensitivity to beauty, order and other expressive qualities;

\*art education gives students a deeper understanding of multi-cultural values and beliefs;

\*art education reinforces and brings to life what students learn in other subjects; and

\*art education interrelates student learning in art production, art history, art criticism and aesthetics; and

**WHEREAS**, these benefits of art education from the basis of "World Class Standards" developed by the U.S. Department of Education and the National Endowment for the Arts; and

**WHEREAS**, our national leaders have acknowledged the necessity of including arts experiences in all students' education;

**THEREFORE, BE IT RESOLVED** that support should be given to art teachers as they attempt to strengthen art education in their schools and communities;

**NOW, THEREFORE, I, MAYOR WILLIS SUMTER**, on behalf of the Township Council of the Township of Franklin, County of Somerset and State of New Jersey, do hereby proclaim the period of **March 1, 2003 to March 31, 2003** as **"YOUTH ART MONTH"** in the Township of Franklin, Somerset County.

Proclamations will be forwarded to the Cedar Wood Woman’s Club and the Franklin Woman’s Club and read on Saturday, March 1st at the beginning of Art Month.

**WORK SESSION/REGULAR MEETING – FEBRUARY 25, 2003****PROCLAMATION - "READ ACROSS AMERICA" - MONDAY, MARCH 3, 2003****Read by Deputy Mayor Grippo**

**WHEREAS**, the Citizens of Franklin Township 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 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 on March 3<sup>rd</sup>, promotes reading and adult involvement in the education of our community's students; 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, Staples, and their local affiliates across the state;

**NOW, THEREFORE, I, WILLIS "RICKEY" SUMTER, MAYOR OF THE TOWNSHIP OF FRANKLIN**, on behalf of the Township Council, do call on the citizens of Franklin Township to assure that every child is in a safe place reading together with a caring adult on the evening of **Monday, March 3, 2003**; and

**BE IT FURTHER RESOLVED** that the Township Council enthusiastically endorses

**"NEA'S READ ACROSS AMERICA"  
&  
"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.

**PROCLAMATION – UNITED STATES HOLOCAUST MEMORIAL MUSEUM****Read by Councilwoman Eberle and Councilman Levine**

**WHEREAS**, the Holocaust was the state-sponsored, systematic persecution and annihilation of European Jewry by Nazi Germany and its collaborators between 1933 and 1945. Jews were the primary victims - six million were murdered; Gypsies, the handicapped, and Poles were also targeted for destruction or decimation for racial, ethnic, or national reasons. Millions more, including homosexuals, Jehovah's Witnesses, Soviet prisoners of war and political dissidents, also suffered grievous oppression and death under Nazi tyranny; and

**WHEREAS**, the history of the Holocaust offers an opportunity to reflect on the moral responsibilities of individuals, societies, and governments; and

**WHEREAS**, we the people of Franklin Township, Somerset County should always remember the terrible events of the Holocaust and remain vigilant against hatred, persecution, and tyranny; and

**WHEREAS**, we the people of Franklin Township should actively rededicate ourselves to the principles of individual freedom in a just society; and

**WHEREAS**, the Days of Remembrance have been set aside for the people of the Township of Franklin to remember the victims of the Holocaust as well as to reflect on the need for respect of all peoples; and

**WHEREAS**, pursuant to an Act of Congress (Public Law 96-388, October 7, 1980) the United States Holocaust Memorial Council designated the Days of Remembrance of the victims

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of the Holocaust to be **Sunday, April 27 through Sunday, May 4, 2003, including the international Day of Remembrance known as**

**"YOM HASHOAH"  
TUESDAY, APRIL 29, 2003**

**NOW, THEREFORE, I, WILLIS "RICKEY" SUMTER, MAYOR** of the Township of Franklin, County of Somerset, State of New Jersey on behalf of the Township Council do hereby proclaim the week of **Sunday, April 27 through Sunday, May 4, 2000, as Days of Remembrance in memory of the victims of the Holocaust, and in honor of the survivors, as well as the rescuers and liberators,** and further proclaim that we, as citizens of the Township of Franklin, should strive to overcome intolerance and indifference through learning and remembrance.

Deputy Mayor Grippo requested Township Manager Daly to request Rabbi David Wise of Temple Beth El to attend the Council meeting on April 22nd to make a special presentation.

**6. REVIEW AGENDA FOR REGULAR MEETING**

**14. ORDINANCE INTRODUCTION – CHAPTER 112, DEVELOPMENT – SECTION 112-9, SUPPLEMENTAL REGULATIONS, SUBSECTION I (2) LANDSCAPING REGULATIONS, SCHEDULE 6, LANDSCAPING BUFFER REQUIREMENTS – AMEND M-2 BUFFER REQUIREMENTS**

Township Manager Daly advised Council that Togar Properties, an adjoining property owner to the M-2 Zone, has asked that the language in the proposed amendment be changed to use the word ***abutting*** whenever the language refers to ***adjacent to***. Their concern is that the same word should be used throughout the amendment.

Council concurred and amended the proposed ordinance accordingly.

**15C DEDICATED BY RIDER – UNIFORM FIRE SAFETY PENALTY TRUST**

In response to a question from Mr. Levine, Township Manager Daly advised that the Township has been charging penalties for violation of the Uniform Fire Safety Code but the funds have been going into our general accounts. The Uniform Fire Safety Code requires that the funds be maintained in a separate account, with the money being used for Fire Prevention purposes. The resolution will provide for this requirement.

**15G BUDGET – FY2003 INSERTION – NJDEP GREEN ACRES GRANT - \$500,000 – BENNETTS LANE OPEN SPACE**

**15H BUDGET – FY2003 INSERTION – NJDEP – GREEN ACRES GRANT - \$750,000 - PRINCETON HIGHLAND OPEN SPACE**

In response to a question from Ms. Barrier, Township Manager Daly concurred that the NJDEP Green Acres Grants require Township matching funds but noted that our proposed open space expenditures exceed the required match amount.

**15L RESCIND CONTRACT – SPRINT PCS – CO-LOCATION ON POLICE CELL TOWER**

In response to a question from Mr. Levine, Township Manager Daly advised that this resolution does not impact any Sprint customers. Wireless communications providers are seeking tower locations all over. The tower in the municipal complex is one of many, and the Township will be soliciting other proposals.

In response to questions from Mr. Levine and Ms. Barrier, Township Attorney Rainone advised that the tower was constructed and paid for by ATT and the agreement with Sprint was for the rental of space on the tower. Sprint may be a

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successful participant for co-location on our tower at a later date, but at this time, we were unable to reach an agreement.

**15U D&R CANAL REDEVELOPMENT AREA – DETERMINATION THAT AREA IN NEED OF REDEVELOPMENT**

Mr. Mettler requested that this resolution be removed from the Consent Agenda for separate consideration since he owns property adjacent to the proposed Redevelopment Area.

**15X AUTHORIZE OUT OF STATE TRAINING – SERGEANT HADDON STEIN – DEFENSE OFFICE OF NATIONAL DRUG POLICY -**

Deputy Mayor Grippo noted that the cost of is out-of-state training is being paid for by a grant at no cost to the Township and offer compliments to the FTPD for this innovative way of providing training at no cost to the taxpayers.

**15GG PROFESSIONAL SERVICES AGREEMENT – CHAM ESTIMATING SERVICES – ESTIMATING SERVICES FOR PROPOSED LIBRARY ADDITION & RENOVATIONS – NOT TO EXCEED \$13,000.00**

In response to an inquiry from Mr. Levine, Township Manager Daly confirmed that this agreement will be funded from the library bond funding.

**15HH PROFESSIONAL SERVICES AGREEMENT – CIVIL SOLUTIONS GIS CONSULTING SERVICES – NOPT TO EXCEED \$10,000.00**

In response to a question from Mr. Levine, Township Manager Daly noted that the Township employee who performed our GIS function has left Township employ and the position is vacant. There are, however, continuous demands for GIS services and this agreement will provide an interim solution. The cost of the consultant services plus the cost of salary when an employee has been hired to fill this position will not exceed the budgeted amount for this position.

**16. NOMINATIONS FOR ONE (1) REGULAR MEMBER OF THE ADVISORY BOARD OF HEALTH TO FILL THE UNEXPIRED TERM OF JOHN CARLANO – EXPIRING 12/31/03**

Ms. Barrier noted that a response from a potential nominee for this position is pending and requested that the nomination be deferred to the March 11<sup>th</sup> meeting. Council concurred.

**7. COUNCIL DISCUSSION ITEMS:****A. Inclusion of addresses/phone numbers in public Directory**

Council reviewed information provided by Township Clerk Pellicane as follows:

“In 2002 when I provided the full Township Directory to Council marked “*Confidential*”, Council indicated their desire that all appointees make themselves available to the public by providing a telephone number at which they can be reached (either at their home, a special number, or whatever they chose). Efforts to obtain these phone numbers were made, the “Application for Community Service” was amended to clearly indicate to persons seeking appointments that the phone number they provided would be made public. The *Open Public Records Act* was adopted shortly thereafter, revised once by Executive Order making home addresses confidential, revised a second time by Executive Order to remove home addresses from the confidential status. As a result, the full Directory was released as a public document.

The Township Attorney has questioned the advisability of making the home address and telephone numbers available. Therefore, this item has been placed on

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the agenda for Council's determination of what information it wishes to make public. I note that whatever document is made "public" in hard copy will be posted on our website and must be made available in electronic format to anyone who requests it and will end upon the "Franklin First" website."

Township Attorney Rainone noted that the issue of public access to addresses and phone numbers is being studied by the State but no guidance has been received to date from the Government Records Council. Last year Council discussed the issue of accessibility to members of various Boards and committees. Public access to individual members of the Planning Board and Board of Adjustment would be inappropriate and anyone needing to contact the board as a whole can do so at Township hall. There is no problem with listing addresses since there could be public interest in where the members of the boards live, but unlisted phone numbers are a problem.

Mr. Chivukula and Ms. Barrier noted that last year members of boards and committees were requested to provide a telephone number where they can be reached and that the number need not be their unlisted home number.

Township Clerk Pellicane suggested the following policy:

"Full "***Confidential***" Directories be provided to the Township Council and Department Heads only with a warning that they are provided for their use only and not for public distribution.

A Directory listing only the names and terms of office for board members be made available to the public in my office, on the website and to anyone who requests same **with the name, address and phone number of a contact person.** That contact person would be the staff person who coordinates the activities of the board or the Chairperson of the board in cases where there is no staff person."

Council concurred.

**B. Wild Life Control Officer (Volunteer)**

Council reviewed February 20, 2003 recommendation from Township Manager Daly as follows:

"As Township Council is aware, Murray Rothblatt recently retired after more than 20 years as a special police officer in Franklin Township. Mr. Rothblatt continues to serve as a constable in the Township. He also has offered his services to the Township to assist with the management of wildlife concerns, in particular black bear and deer.

The proposal is that Mr. Rothblatt would be designated as a volunteer wildlife Control Officer for Franklin Township to work under the jurisdiction of the Township Health Officer and in conjunction with our animal Control Officer. As a constable for the Township, Mr. Rothblatt has the authority to enforce the State Fish and Game Code (Title 23). He is also certified in Wildlife Law Enforcement.

If the Township were to designate Mr. Rothblatt as a volunteer Wildlife Control Officer, he would have three major functions:

- a. Stop the State from dumping black bears in Six Mile Run because of the dangers this practice has and will create for Township residents.
- b. Work with Public Works and the Open Space Advisory Committee on implementation of a wildlife management policy for Township open space, especially with respect to deer. At your April 1 work session, the Open Space Advisory Committee will be presenting a proposal for a management program for the Township's open space, along with the overall briefing requested by Township Council As Wildlife Control Officer, Mr. Rothblatt would assist in

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the implementation of any program that is approved concerning the management of the deer herd on Township open space. He would also assist in coordinating the goals of this program with the State's policies for Six Mile Run and with local farmers.

- c. Continue to serve as Animal Shelter Emergency Liaison on the Township's Local Emergency Planning Committee."

Township Manager Daly advised that Mr. Rothblatt has requested some formal recognition to serve in these roles on a volunteer basis. He will receive no remuneration and will have no authority except those confirmed to him as a constable. Since the duties span several different departments, the Township Manager would oversee these duties.

Township Attorney Rainone advised that there is no need for an ordinance to provide the requested recognition. Mr. Grippo moved to authorize a resolution for the March 25<sup>th</sup> meeting. Mayor Sumter seconded the motion; motion was carried unanimously.

Mr. Mettler questioned Mr. Rothblatt's status as a constable since the Council has determined to eliminate these appointments. Township Clerk Pellicane responded that Council has stopped making appointments to constable positions as they expire, and Mr. Rothblatt's current appointment will expire in 2004.

**C. Scenic Corridor Ordinance**

Township Manager Daly advised that this proposed ordinance has been around for over a year, has been reviewed by a number of advisory committees, and the final version of the ordinance which would provide for Planning Board enforcement of regulations to prevent encroachment upon scenic corridors by development has been forwarded to Council by the Planning Board.

In response to a question from Mr. Mettler, Township Manager Daly advised that the Agricultural Advisory Committee reviewed the proposal at their last meeting and has not raised any objections. In addition, the State has pending regulations on storm water management which will have an even greater impact on development and the Township – i.e., regulations which may require capturing of salt and chemicals from roads before they get to streams.

Council authorized ordinance introduction for the March 11<sup>th</sup> agenda.

**D. Route to Battle of Monmouth**

George Luck, Jr. 7 Laurel Avenue, Kingston and Charles Dietrich, Kingston, advised Council of June 21 to June 29, 2003 activities and celebrations planned for the State and the Village of Kingston in commemoration of the 125<sup>th</sup> anniversary of the Battle of Monmouth.

There is no funding available from the State and private historic groups are coordinating municipal celebrations along the way. The days of the week have been assigned to towns, with June 24<sup>th</sup> being designated for celebrations in Rocky Hill and Franklin Township.

The Village coordinating committee is seeking the assistance of the Township in planning their celebrations which would involve street closings (Route 603), security for a Revolutionary War Museum proposed for the Kingston Fire Company, etc.

Mr. Mettler noted that the Village of Kingston is unparalleled in what it offers in terms of the American Revolution, having been a vital area and on the front line for many years, in reach of either army. Mr. Mettler offered to join with Councilwoman Eberle and Township staff to work with the Committee.

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Deputy Mayor Grippo noted the need to bring this vital historic event to our school children and suggested that the Committee contact the Board of Education President and Social Studies Director.

Deputy Mayor Grippo noted the Township’s annual 4<sup>th</sup> of July celebration and invited the Committee to participate in our celebration. Mr. Dietrich noted that a “Fire of Joy” will be sponsored by the City of New Brunswick on July 4<sup>th</sup>.

**8. APPROVAL OF MINUTES – WORK SESSION – 02/04/03; REGULAR MEETING – 02/11/03; EXECUTIVE SESSION – 1/28/03& 2/11/03**

Deputy Mayor Grippo noted that the minutes of the February 11<sup>th</sup> erroneously state Mayor Eberle presented the proclamation instead of Mayor Sumter. Township Clerk Pellicane responded that this error has been brought to her attention and it has been corrected.

Deputy Mayor Grippo moved to approve the minutes as corrected. Motion was seconded by Ms. Barrier. Assistant Township Manager Dashield polled the Board, the vote being as follows:

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

Motion was carried.

**9. WARRANTS –FEBRUARY 25, 2003**

**Read by Assistant Township Manager Dashield**

1	Current Fund	3,607,050.35
5	Water Operating	347,768.89
6	Water Capital	0
4	General Capital	38,281.98
15	General Trust	1,091.14
18	Self Insurance Trust Fund	9,295.51
21	Recreation Trust	1,016.91
12	Open Space Trust	4,845.00
2	Grant Fund	30,442.21
17	Workers' Compensation	0
	Unemployment Trust	0
	Employee Payroll Deduction	0
3	Collector Trust	9,031.12
14	Dog Revenue	1.20
	Community Foundation	0
22	General Ledger: Current	0
13	Redevelopment Agency	112.70
23	Agency Payroll	0
	<b>SUB-TOTAL</b>	<b>\$4,048,937.01</b>
25	Escrow Account	61,696.97
19	Voided Checks	
20	Adjustments	0
	<b>GRAND TOTAL</b>	<b><u>\$4,110,633.98</u></b>

Motion was made by Deputy Mayor Grippo and seconded by Mr. McKenzie to approve the Warrants. Assistant Township Manager Dashield polled the Board, the vote being as follows:

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

Motion was carried.

**10. ORDINANCE HEARING – AMEND CODE –CHAPTER 112, DEVELOPMENT – SECTION 112-8, GENERAL REGULATIONS – SUBSECTION P, BRUSH AND HEDGES NEAR ROADWAYS (REPLACE DISTANCE REQUIREMENTS WITH INSTITUTE OF TRANSPORTATION ENGINEER FORMULA)**

Assistant Township Manager Dashield read by title:

"AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, SOMERSET COUNTY, NEW JERSEY, MORE PARTICULARLY CHAPTER 112, DEVELOPMENT – SECTION 112-8, GENERAL REGULATIONS, SUBSECTION P, BRUSH AND HEDGES NEAR ROADWAYS AND INTERSECTIONS (REPLACE DISTANCE REQUIREMENTS WITH INSTITUTE OF TRANSPORTATION ENGINEERS FORMULA)". Assistant Manager Dashield noted that the Township Attorney has approved the Affidavit of Publication and that a public hearing on the ordinance is in order.

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

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

No one from the public spoke.

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

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

The Assistant Township Manager polled the Board, the vote being as follows:

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

Motion was carried.

**11. ORDINANCE HEARING – AMEND CODE – CHAPTER 226, VEHICLES & TRAFFIC – SECTION 226-30, ON-STREET HANDICAPPED PARKING SPACE – RESCIND ON-STREET HANDICAPPED PARKING SPACE ON KEE AVENUE FOR 601 HAMILTON STREET**

Assistant Township Manager read by title:

"AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 226, VEHICLES AND TRAFFIC, SECTION 226-30 (ON-

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**STREET HANDICAPPED PARKING SPACE) (DELETE KEE AVENUE FOR DWELLING AT 601 HAMILTON STREET)".** Assistant Township Manager Dashield noted that the Township Attorney has approved the Affidavit of Publication and that a public hearing on the ordinance is in order.

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

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

No one from the public spoke.

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

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

The Assistant Township Manager polled the Board, the vote being as follows:

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

Motion was carried.

**12. PUBLIC DISCUSSION**

During the public discussion, Council deferred responding to questions raised by the public until after the public discussion period.

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

John Grosso, 61 Hollywood Avenue

1. Offered suggestions to keep FY2004 Budget at a 0 increase, including:
  - Freezing pay increases for employees at current maximum levels except for cost of living increases;
  - Cutting back health benefits and requiring employees to contribute more towards health benefits and pensions;
  - Appointment of a citizens committee to assist the Township Manager in contract negotiations;
  - Prioritize the list of capital needs to be done so various special interest groups do not have to compete with each other;
  - Put the library expansion/renovations on a referendum for the voters to decide.
2. Noted an editorial in The Home News regarding problems being faced in South Brunswick with personal use of vehicles and questioned if the Township has a policy on who is responsible for the vehicles and who supplies insurance and gas.
3. Questioned what portion of the \$220,000 in park improvements being authorized by Bond Ordinance, agenda Item 13, is for Dunham-Lebed Park.
4. Questioned the purpose of Consent Agenda Resolutions U (D&R Canal Redevelopment Area – Determination that Area in Need of Redevelopment) and

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GG (Professional Service Agreement – Cham Estimating Services Estimating Services for Proposed Library Addition & Renovations – Not to Exceed \$13,000.00)

Fred Calderone, 1000 Hamilton Street, presented a letter to Council requesting that his property be removed from the Renaissance 2000 Redevelopment area.

Kathleen Feeney, Esq., spoke on behalf of City Taxi, noting that a presentation will be made to Council at the March 4<sup>th</sup> Work Session, also noting that taxi drivers for City Taxi have collected 110 petition signatures in support of their position on insurance requirements and that another issue has become evident, the six-month amount of time involved for taxi drivers to obtain Township licenses to drive taxi cabs.

The following taxicab owners and/or drivers objected to:

1. The long period of time required for taxicab drivers to obtain Township licenses and the problems this situation creates for their business operation;
2. The cost of providing the minimum insurance required by Township ordinance;
3. The additional waiting time and cost for residents if local cab companies cease operating and cabs must be called from adjoining municipalities.

Joe Mazraani, 1182 Stockton Place, North Brunswick – Taxicab owner  
 Uргуens Marcellis, 99 Home Street, taxi cab owner/driver  
 Ghassan Nehme, 202 Coventry Lane, taxicab owner/driver  
 Milad Mazraani- 1182 Stockton Place, North Brunswick – Taxicab owner  
 Demetria Walker, 26 Franklin Blvd. – Taxi Cab user

Harold Leventhal, 360 DeMott Lane:

1. Sympathized with the concerns of the cab drivers and noted that they provide a necessary service for residents of Somerset Residence apartments.
2. Noted the substantial amount of good publicity the Township has received in newspapers.

Brian Regan, 15 Gunther Loop, Chair of Open Space Committee, clarified statistics on Township Open Space:

30,000 acres including County and Township parks and farmlands, for a total of 30%.

Since July 2000, 439 acres (1.46 % of the Township) has been purchased with open space funds, plus 192 acres purchased through general funds (2%).

Bond Ordinances have provided \$24 million for open space acquisition. Currently \$11 million has been spent and other purchases in the amount of \$8 million are on-going. The balance is \$7.5 million left. A series of recommendations from the Open Space Committee for additional purchases will be forthcoming.

Ann Smith, 214 Berger Street, Friends of Library, spoke in support of additional funding for the library addition to provide sufficient space for children's programming, computers, meetings and public events, and to provide a building that is attractive and welcoming for browsing and lounging, and to correct lighting deficiencies.

Raul Perone, 4 Voorhees Avenue, owner of property in the Renaissance 2000 Redevelopment Area, noted information received at a Redevelopment Agency meeting last night that the Edgewood Redeveloper has not signed a contract with the Agency and has abandoned the project. Mr. Perone requested that the Township give the existing

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community the ability to organize their own association to pursue the redevelopment of their area.

Lucretia Cortelyou, 1892 Amwell Road:

1. Thanked Council for providing the Council Comments portion of the meeting after public discussion.
2. Noted a newspaper article setting forth comments made by Mayor Sumter on lowering taxes, acquiring open space, and correcting traffic problems.
3. Suggested that Councilman McKenzie ask why she is opposed to the proposed skate park and Middlebush Park because of the \$250,000 cost for construction, plus the cost of maintenance, supervision and insurance.

John McConville, 5 Stoneleigh Way:

1. Advised that after the recent snowstorms, the value of the fire hydrant markers has become evident.
2. Requested that Council Liaison Members to the Board of Education carry his concerns about cost overruns for the new high school to the Board of Education.
3. Questioned the purpose of Consent Agenda resolutions BB and GG, and if the generator proposed by Consent Agenda Item J could be fueled by natural gas instead of propane.

John Grosso, 61 Hollywood Avenue:

5. Suggested that temporary permits be issued for taxi drivers while their credential are being check, noting the vital service provided by taxicabs.

Sidney Lentz, 22 Corneilius Way, questioned when more information on televising Council meetings will be available.

Vicki Drecolis, 27 Weston Road:

1. Noted that residents of the Renaissance 2000 Redevelopment Area were never informed that their land could be taken away from them by condemnation.
2. Objected to conflicting information being disseminated about business relationships between the various redevelopers.
3. Noted the need for the Redevelopment Agency to work with current residents of the area.

Courtney Throckmorton, 591 Somerset Street:

1. Noted that the Redevelopment Agency has infringed on rights of property owners and is not proceeding as originally intended by not communicating the status and progress of projects and noted the need for clearer liaison between Council and the Agency.
2. Objected to the First Baptist Church getting preferential treatment by the Redevelopment Agency and Township Council and that members with a conflict of interest must refrain from participation in conflicting actions.
3. Noted that a petition is being circulated in opposition to losing the existing businesses in the Redevelopment Area.

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4. Noted calls from the Wall Street Journal and other newspapers interested in doing stories about individuals whose rights are being infringed upon by Redevelopment.
5. Noted that the Township is squandering a good resource by not including existing property owners.

Upon a motion made, seconded and unanimously agreed, the Public Discussion portion of the meeting was closed.

Township Manager Daly responded to questions raised during the public discussion period:

1. Only a handful of Township civilian and police vehicles are taken home by staff people who are on call 24/7. The cars are used for getting back and forth to work, their use is controlled by the Township and we do not have the problems being experienced by South Brunswick.
2. Consent Agenda Resolution GG provides a Professional Service Agreement with CHAM to prepare a cost estimate for the library expansion/renovation. The Township has used this firm in the past with good results.
3. The issues raised by the taxicab companies have been scheduled for an early start of the Work Session on March 4<sup>th</sup>. Any problems experienced as a result of police officer actions should be reported to Chief Novick who will do an Internal Affairs investigation. Temporary permits for taxicab drivers can be issued to someone ultimately found to have been guilty of armed robbery, assault, etc. The reason for the long delay in investigating applicant's credentials will be investigated, but is primarily caused by time getting information from the State.
4. Consent Agenda Resolution U is the first step in the procedure for the D&R Redevelopment Area as used in 1997/1998 for the Renaissance 2000 Redevelopment area. Council adopted a resolution asking the Planning Board to study the area. The Planning Board has had a study done, advertised and posted notice for a public hearing in accordance with statute, and mailed notice to each property owner in the area.

Three parcels are included in the area – Onka Property/Historic Franklin Inn; Laurie Rubber Factory; two deteriorated historic houses owned by Traprock at the Old Georgetown/Canal Road intersection.

If the resolution is adopted, the next step would be to put together a redevelopment plan. After the plan is prepared, the Planning Board will conduct another hearing, refer the Plan to the Township Council. The Township Council will then review the plan and refer it back to the Planning Board for another review before it can be approved.

Consent Agenda Resolution J provides for purchase of an emergency generator for use at the old Township garage when power is out, thus the need for propane.

Consent Agenda N provides a developers' agreement requiring the property owner to provide maintenance for the Detention Basin.

**12A COUNCIL COMMENTS**

Mr. Mettler:

1. Thanked Brian Regan for the report on Open Space.
2. Noted the need for the Council to renew its charge to the Redevelopment Agency to work closely with and pay attention to business owners already in the area and preserve those jobs.

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Ms. Barrier:

1. Thanked the members of the public for attending and speaking and welcomed comments and suggestions, positive as well as negative.
2. Noted that she questioned the use of Township cars several years ago, received a report from Township Manager Daly, and has been assured that the Township is not being abused.
3. Concurred with the need to get meetings televised to improve communications.
4. Concurred with Council's intention to study the taxi cab ordinance as there is need to safeguard the public as well as small businesses.
5. As a resident just outside of the Redevelopment Area, noted that she feels strongly about businesses and residents and agrees with the need to recharge the Redevelopment Agency to work with the existing owners.
6. Noted her pleasure with the Road to the Battle of Monmouth celebration and her hope that everyone will participate and celebrate and provide instruction and encouragement to the schools on the values fought for in the Revolutionary War.

Mr. Levine:

1. Responded to Mr. Grosso's question that approximately 60% of the playground equipment to be purchased by the Bond Ordinance being introduced tonight will be used for Dunham-Lebed Park.
2. Noted his original concerns on the taxicab insurance issue and his intention to propose a substantial cut to the ordinance insurance requirement to insure that the operators do not lose these businesses and to investigate the Township's ability to issue temporary licenses to taxicab drivers.
3. As Liaison to the Board of Education with Mr. McKenzie, noted that they will pass along resident concerns about cost overruns for the new high school.
4. Concurred with the need to recharge the Redevelopment Agency and thanked interested parties for coming out and expressing their concerns and perceptions.

Mr. McKenzie:

1. Thanked residents for the support of the morale and fundraising activities for two injured firemen.
2. Commended DPW for their efforts in recent heavy snow.
3. Expressed concern about the problems of the taxicab companies and drivers and the need to keep the taxicabs in service for our citizens and for drivers to earn a living.
4. Thanked Ms. Cortelyou for her comments on Middlebush Park and the skate park and noted his intention to discuss this matter with her further.

Mr. Chivukula:

1. Noted his recent return from a trip to India involving 32 hours in flight and serious jet lag and having missed two good snowstorms. Mr. Chivukula expressed sympathy for the tragedy of the firemen's injuries.
2. Concurred with Mr. Grosso's suggestion on the need to prioritize our capital needs.

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3. Concurred with Mr. McConville's revised perception of the fire hydrant markers and their usefulness during the snowstorm.
4. Noted having received and reviewed Township Policy on personal use of township cars as provided by Marc Dashield.

Ms. Eberle:

1. Noted the wishes of the Council and the Business & Industry Advisory Committee not to hamper businesses and to make it feasible for businesses to stay in town.
2. Thanked and commended the representatives of the Kingston Committee on the Battle of Monmouth.

Deputy Mayor Grippo:

1. Noted that recent snow/rainfall should eliminate any water shortages this coming summer.
2. Commented on the effectiveness of Council not responding to public questions until after the conclusion of the public discussion period.
3. Thanked Township Clerk Pellicane for her work with and the successful activities of the Polling Place Committee to eliminate polling places in the schools.
4. Expressed his dismay at the nightclub tragedy in New Hampshire, and commended our fire prevention inspectors for their work towards the safety of our residents and visitors.
5. Thanked objectors to the Redevelopment Plan for their demeanor at this meeting.
6. Noted that the Library Board is working hard to do right thing for taxpayers on the Library renovation/expansion.
7. Advised that the Cable Television Advisory Committee is moving towards televised meetings.
8. Congratulated DPW for their snow removal work and expressed his thanks for the fire hydrant markers.

Mayor Sumter thanked the public for their comments and noted that the Council will address all concerns.

Council took a recess from 10:00 p.m. to 10:12 p.m., with all members previously present returning.

**13. ORDINANCE INTRODUCTION – BOND ORDINANCE – AMEND ORDINANCE NO. 3180 & 3278 – IMPROVEMENT OF VARIOUS PARKS – ADDITIONAL \$210,000.00**

Assistant Township Manager Dashield read by title:

**"BOND ORDINANCE AMENDING AND SUPPLEMENTING BOND ORDINANCE NUMBER 3180 FINALLY ADOPTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP ON DECEMBER 12, 2000, ENTITLED, "BOND ORDINANCE PROVIDING FOR THE IMPROVEMENT OF VARIOUS PARKS THROUGHOUT THE TOWNSHIP, ALL LAWFUL PUBLIC PURPOSES, IN AND BY THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$200,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$190,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF", AS AMENDED BY BOND ORDINANCE NUMBER 3278 FINALLY ADOPTED ON**

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**MARCH 15, 2002, TO INCREASE THE APPROPRIATION THEREIN BY \$210,000, TO INCREASE THE AUTHORIZATION OF BONDS OR NOTES THEREIN BY \$199,500 AND TO AMEND THE DESCRIPTION THEREOF "** which is presented to Council for adoption on first reading, posting, publication in accordance with law for public hearing on March 25, 2003.

Mr. Chivukula so moved. Mr. Mettler seconded the motion. Assistant Township Manager Dashield polled the Board, the vote being as follows:

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

Motion was carried.

**14. ORDINANCE INTRODUCTION – CHAPTER 112, DEVELOPMENT – SECTION 112-9, SUPPLEMENTAL REGULATIONS, SUBSECTION I (2) LANDSCAPING REGULATIONS, SCHEDULE 6, LANDSCAPING BUFFER REQUIREMENTS – AMEND M-2 BUFFER REQUIREMENTS**

Assistant Township Manager Dashield read by title:

**"AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 112, DEVELOPMENT – SECTION 9, SUPPLEMENTAL REGULATIONS, SUBSECTION I (2), LANDSCAPING REQUIREMENTS, SCHEDULE 6, LANDSCAPING AND BUFFER REQUIREMENTS"** which is presented to Council for adoption on first reading, posting, publication in accordance with law for public hearing on March 25, 2003.

Mr. Chivukula moved to amend the proposed ordinance as recommended in a memo from Frank Hasner per discussion at the preceding Work Session and to adopt on first reading as amended. Mr. Mettler seconded the motion.

Assistant Township Manager Dashield polled the Board, the vote being as follows:

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

Motion was carried.

**15. RESOLUTION - CONSENT AGENDA**

**Read by Assistant Township Manager Dashield**

Ms. Barrier requested that Resolution N (Agreement – Storm water Detention Facility Maintenance – Rasi Laboratories, Inc.) be removed from the Consent Agenda and considered separately.

Mr. Mettler requested that Resolution U (Determination of D&R Canal Redevelopment Areas as in Need of Redevelopment) be removed from the Consent Agenda and considered separately because he owns property adjacent to the property being considered for designation as the Redevelopment Area.

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Council concurred.

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

- A. Tax Title Lien Redemptions:  
EMC Mortgage Corp.- Block 339/ Lot 73.01 0 - \$3,334.69 - 177 Dutton Street  
Teel, A. & M. Porter – Block 329/ Lot 17 - \$3,265.39 – 36 Appleman Road  
Nancy Fitzpatrick – Block 66/ Lot 2 - \$469.28 – 27 William Street
- B. Tax Overpayments - Various
- C. Dedication by Rider – Uniform Fire Safety Penalty Trust
- ~~D. Budget FY2003 Insertion – NJDOT livable Communities Grant for Hamilton Street – \$100,000~~
- ~~E. Budget FY2003 Insertion – Somerset County Historic Preservation – \$100,000~~
- ~~F. Budget FY2003 Insertion – NJDEP Green Acres Planning Incentive Grant – \$400.00~~
- G. Budget – FY2003 Insertion – NJDEP Green Acres Grant - \$500,000 – Bennetts Lane Open Space
- H. Budget -FY2003 Insertion – NJDEP Green Acres Grant - \$750,000 – Princeton Highland Open Space
- I. Budget – FY2003 Insertion – Statewide Local Domestic Preparedness Equipment Grant - \$175,000
- J. Purchase – ENRG Generator and Power Company – Propane Fueled Generator for 12 Berry Street \$15,992.00
- K. Change Order No. 1 – Buist, Inc. – Maintenance of HVAC - \$7,000
- L. Rescind Contract – Sprint PCS – Co-location on Police Cell Tower
- M. Change Order No 1 Owl Contracting – 2002 Road Overlay Program - \$1,742.42
- N. Agreement – Storm water Detention Facility Maintenance - Rasi Laboratories Inc.- Removed from Consent Agenda
- O. Grant Application – Somerset County Economic Development Incentive Program – Hamilton Street Façade Improvement Program - \$100,000
- P. Grant Application – Somerset County Economic Development Incentive Program – SID Planning and Supportive Services - \$25,000
- Q. Grant Application – Tony Hawk Foundation – Skate park ramps and Surfacing, - \$25,000
- R. Grant Application – Somerset County Community Development Office – HOME funds - \$100,000
- S. Authorize Raffle/Bingo Licenses

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- T. Special Event Permit - Catholic Community of St. Matthias – Carnival – May 13-18
  - U. D & R Canal Redevelopment Area – Determination that area in need of Redevelopment – Removed from Consent Agenda
  - V. Accept Street – Extension of Como Drive (Toto/Gierlich Lands)
  - W. Escrow Release – Plan Review:  
William Kleiber, ZBA2001-0032 - \$850.00  
TP Construction Company, BRA02-020 - \$62.50  
John & Patricia Szucs, ZBA 2002-0010 - \$180.00  
Andrew & Ann Lucas, ZBA2002-0105 - \$1,270.00  
Princeton Research Lands Inc., ZBA2002-0095 - \$2,880.00  
Princeton Research Lands Inc, ZBA2002-0146 - \$2880.00  
Kathryn Orlando, ZBA2001-0062 -\$1,566.25  
Reatha Taliferro, ZBA2002-005 \$562.50  
Paulette Robinson, ZBA 2001-0053 \$1,920.00
  - X. Authorize Out of State Training – Sergeant Haddon Stein – Defense Office of National Drug Policy – No Cost
  - Y. Escrow Release – Inspection Fees:  
Redco Engineering, P91001P - \$570.00  
ESA Management Inc., P2000017P - \$3,853.22
  - Z. Performance Guarantee Reduction –JAMM Realty Corporation AKA School House LLC – Docket #PLN20020010 – from \$848,634.00 to \$254,590.02
  - AA. Performance Guarantee Rejection – Mayo Sisler & Joan Sisler, LLC
  - BB. Performance Guarantee Release – Easton Hill LLC - \$175,000.00
  - CC. Performance Guarantee Release – Extended Stay America N.J. Inc. – Docket # P2000017P- \$584,823.84
  - DD. Performance Guarantee Release – Redmont Associates – Docket P91001P \$64,800.00
  - EE. Amend the Annual Action Plan Community Development Block Grant (CDBG)
  - FF. Extension of Second Round Substantive Certification – New Jersey Council of Affordable Housing (COAH) for period July 9, 1997 –July 9, 2003
  - GG. Professional Services Agreement – Cham Estimating Services – Estimating Services for Proposed Library Addition & Renovations – not to exceed \$13,000.00
  - HH. Professional Services Agreement –Civil Solutions GIS Consulting Services – not to exceed \$10,000
  - II. Water Overpayment – EMC c/o NJREO - \$65.95
  - JJ. Tax Remittal – Lewis – Block 286/Lot 6.01 - \$4,770.04**
- A. 03-086 RESOLUTION - TAX TITLE LIEN REDEMPTION - OUTSIDE BUYER**

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

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**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 13, 2002	66/2	FITZPATRICK, NANCY 27 William Street East Millstone NJ 08875	\$ 469.28
<b>PAID:</b>	<b>February 6, 2003</b>	<b>CERT #020044</b>	
<b>LIENHOLDER:</b>	<b>Fernwood Funding</b> <b>92 Main Avenue</b>	<b>Wallington NJ 07057</b>	
June 13, 2002	329/17	TEEL, A. & M. PORTER 36 Appleman Road Somerset NJ 08873	\$3,265.39
<b>PAID:</b>	<b>February 6, 2003</b>	<b>CERT #020143</b>	
<b>LIENHOLDER:</b>	<b>Elliot Loeb Keogh Plan</b> <b>1 Lakeview Road</b>	<b>Saratoga Springs NY 12866</b>	
June 13, 2002	339/73.01	EMC MORTGAGE CORPORATION 909 Hidden Ridge Drive Irving TX 75038 (177 Dutton Street)	\$3,334.69
<b>PAID:</b>	<b>February 7, 2003</b>	<b>CERT #020147</b>	
<b>LIENHOLDER:</b>	<b>Sequoia Investments</b> <b>PO Box 5600</b>	<b>Woodbridge NJ 07095</b>	

**B. 03-087 RESOLUTION - 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.

<b>BLOCK/LOT</b>	<b>NAME/ADDRESS</b>	<b>QTR/YR</b>	<b>AMOUNT</b>
251/39	FRANKLIN TWSP WATER 475 DeMott Lane Somerset NJ 08873	03/2	132.69
517.04/2.10	FRANKLIN TWSP FIRE PREVENTION 475 DeMott Lane Somerset NJ 08873	03/1 03/2	85.94 64.06
11.09/18	WAN 23 Brookside Drive Princeton NJ 08540	03/1	4,227.08
20.03/9.03 C2912	STEINBERG, CINDY 26 Gregory Lane Franklin Park NJ 08823	03/2 03/3	794.98 55.02

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386.01/27	I-MORTGAGE SERVICE 2570 Boyce Plaza Road Pittsburgh PA 15241	03/2 03/3	1,621.68 .42
554/11	HEYN, DEBRA 523 Garfield Avenue Somerset NJ 08873	03/2 03/3	991.92 .01
11.13/11	KASHMIRI DELORY 19 Treetops Circle Princeton NJ 08540	03/2 03/3	2,290.82 .01
57.03/4	BHARAT C. NAIK 7 Rolling Hills Drive Somerset NJ 08873	03/2 03/3	2,189.11 153.74

**C. 03-088 A RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION BY RIDER FOR UNIFORM FIRE SAFETY PENALTIES**

**WHEREAS**, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a county or municipality when the revenue is not subject to reasonably accurate estimates in advance; and

**WHEREAS**, N.J.S.A. 40A: 4-39 provides that the Director of the Division of Local Government Services may approve expenditures of moneys by dedication by rider; and

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

1. The Township Council does hereby request permission of the Director of the Division of Local Government Services to pay expenditures under the provisions of N.J.S.A. 40A: 4-39, as amended by PL 1999, c.292, for the exclusive purpose of depositing and expending funds from the assessment of penalties issued under the Uniform Fire Code (N.J.A.C. 5:70-2.12)

Dedication by Rider – Uniform Fire Safety Penalty Trust

2. The Municipal Clerk is hereby directed to forward two (2) certified copies of this Resolution to the Director of the Division of Local Government Services.

**D.** Removed from Agenda

**E.** Removed from Agenda

**F.** Removed from Agenda

**G. 03-089 RESOLUTION – INSERTION IN BUDGET – NJ DEP GREEN ACRES GRANT - BENNETTS LANE OPEN SPACE - \$500,000.00**

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

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

**WHEREAS**, the Township of Franklin in the County of Somerset, State of New Jersey will receive [\\$500,000.00 with \\$0 match](#) for [NJ DEP GREEN ACRES GRANT - BENNETTS LANE OPEN SPACE](#), and wishes to amend its 2003 Budget to include a portion of this additional amount as a revenue;

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**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Franklin, Somerset County hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Budget for the year 2003 in the sum of \$500,000.00 which is now available as revenue from:

**NJ DEP GREEN ACRES GRANT - BENNETTS LANE OPEN SPACE**

**BE IT FURTHER RESOLVED** that a like sum of \$500,000.00, for NJ DEP GREEN ACRES GRANT - BENNETTS LANE OPEN SPACE, be and the same is hereby appropriated under the caption of:

**NJ DEP GREEN ACRES GRANT - BENNETTS LANE OPEN SPACE**

**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.

**H. 03-090 RESOLUTION – INSERTION IN BUDGET – NJ DEP GREEN ACRES GRANT - PRINCETON HIGHLANDS OPACE - \$750,000.00**

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

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

**WHEREAS**, the Township of Franklin in the County of Somerset, State of New Jersey will receive \$750,000.00 with \$0 match for NJ DEP GREEN ACRES GRANT - PRINCETON HIGHLANDS OPEN SPACE, and wishes to amend its 2003 Budget to include a portion of this additional amount as a revenue;

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Franklin, Somerset County hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Budget for the year 2003 in the sum of \$750,000.00 which is now available as revenue from:

**NJ DEP GREEN ACRES GRANT - PRINCETON HIGHLANDS OPEN SPACE**

**BE IT FURTHER RESOLVED** that a like sum of \$750,000.00, for NJ DEP GREEN ACRES GRANT - PRINCETON HIGHLANDS OPEN SPACE, be and the same is hereby appropriated under the caption of:

**NJ DEP GREEN ACRES GRANT - PRINCETON HIGHLANDS OPEN SPACE**

**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.

**I. 03-091 RESOLUTION – INSERTION IN BUDGET – NJ DEPARTMENT OF LAW & PUBLIC SAFETY - STATEWIDE LOCAL DOMESTIC PREPAREDNESS EQUIPMENT GRANT - \$175,000.00**

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

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

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**WHEREAS**, the Township of Franklin in the County of Somerset, State of New Jersey will receive \$175,000.00 with \$0 match for NJ DEPARTMENT OF LAW & PUBLIC SAFETY - STATEWIDE LOCAL DOMESTIC PREPAREDNESS EQUIPMENT GRANT, and wishes to amend its 2003 Budget to include a portion of this additional amount as a revenue;

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Franklin, Somerset County hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Budget for the year 2003 in the sum of \$175,000.00 which is now available as revenue from:

**NJ DEPARTMENT OF LAW & PUBLIC SAFETY - STATEWIDE LOCAL DOMESTIC PREPAREDNESS EQUIPMENT GRANT**

**BE IT FURTHER RESOLVED** that a like sum of \$175,000.00, for NJ DEPARTMENT OF LAW & PUBLIC SAFETY - STATEWIDE LOCAL DOMESTIC PREPAREDNESS EQUIPMENT GRANT, be and the same is hereby appropriated under the caption of:

**NJ DEPARTMENT OF LAW & PUBLIC SAFETY - STATEWIDE LOCAL DOMESTIC PREPAREDNESS EQUIPMENT 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.

**J. 03-092 RESOLUTION - AUTHORIZE PURCHASE UNDER BID THRESHOLD/OVER \$8,500.00 - ENGR GENERATORS & POWER COMPANY - PROPANE-FUELED GENERATOR FOR 12 BERRY STREET - AN AMOUNT NOT TO EXCEED \$15,992.00**

**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: ENRG Generator & Power Company  
1174 Treetops  
Wharton NJ 07885**

**ITEMS: Propane-fueled Generator for 12 Berry Street**

**COST: Not to exceed \$15,992.00**

**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.

**K. 03-093 RESOLUTION - CHANGE ORDER NO. 1 - BUIST, INCORPORATED - MAINTENANCE OF HVAC SYSTEM - \$7,000.00**

**WHEREAS**, the Township Council of the Township of Franklin in the County of Somerset and State of New Jersey has on May 14, 2002 authorized the awarding of a contract to Buist, Incorporated, 26 Voorhees Avenue, Somerset NJ 08873 in the amount of \$46,366.00 for Maintenance of HVAC System; and

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

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<b>Additional Maintenance</b>	<b>\$7,000.00</b>
<b>TOTAL</b>	<b><u>\$7,000.00</u></b>

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Franklin in the County of Somerset and State of New Jersey does hereby authorize the issuance of Change Order No. 1 to contract with Buist, Incorporated; and

**BE IT FURTHER RESOLVED** that the Township Manager be and he is hereby authorized to sign said Change Order on behalf of the Township.

**L. 03-094 RESOLUTION - RESCIND AGREEMENT - SPRINT PCS - CO-LOCATION ON POLICE CELL TOWER**

**WHEREAS**, by resolution adopted September 24, 2002 the Township Council authorized agreement with Sprint PCS to co-locate their antennas on the police cell tower, sharing in the development and maintenance costs with the Lead Carrier, AT&T; and

**WHEREAS**, the Township and Sprint were not able to agree on language for the lease agreement;

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey does hereby rescind the September 24, 2002 resolution and the agreement authorized thereby with Sprint PCS for the co-location of their antennas on the police cell tower.

**M. 03-095 RESOLUTION - CHANGE ORDER NO. 1 - OWL CONTRACTING - 2002 ROAD OVERLAY PROGRAM - \$1,742.42**

**WHEREAS**, the Township Council of the Township of Franklin in the County of Somerset and State of New Jersey has on May 14, 2002 authorized the awarding of a contract to Owl Contracting, 21 Gill Avenue, Rockaway NJ 07866 in the amount of \$548,803.75 for the 2002 Road Overlay Program; and

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

<b>Increased Cost of Oil</b>	<b>\$1,742.42</b>
<b>TOTAL</b>	<b><u>\$1,742.42</u></b>

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Franklin in the County of Somerset and State of New Jersey does hereby authorize the issuance of Change Order No. 1 to contract with Owl Contracting; and

**BE IT FURTHER RESOLVED** that the Township Manager be and he is hereby authorized to sign said Change Order on behalf of the Township.

**N. Removed from the Consent Agenda**

**O. 03-097 RESOLUTION - GRANT APPLICATION - SOMERSET COUNTY ECONOMIC DEVELOPMENT INCENTIVE PROGRAM – HAMILTON STREET FAÇADE IMPROVEMENT PROGRAM - \$100,000.00**

**BE IT AND IT IS HEREBY RESOLVED** that the Township Council of the Township of Franklin, County of Somerset and State of New Jersey does hereby authorize the submission of Somerset County Economic Development Incentive Program Grant Applications for:

**Hamilton Street Façade Improvement Program** in the amount of \$100,000.00;

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and does authorize the execution of said grant applications by the appropriate Township Officials.

**P. 03-098 RESOLUTION - GRANT APPLICATION - SOMERSET COUNTY ECONOMIC DEVELOPMENT INCENTIVE PROGRAM - SID PLANNING & SUPPORTIVE SERVICES - \$25,000.00/\$2,500.00 TOWNSHIP MATCH**

**BE IT AND IT IS HEREBY RESOLVED** that the Township Council of the Township of Franklin, County of Somerset and State of New Jersey does hereby authorize the submission of Somerset County Economic Development Incentive Program Grant Applications for:

**SID Planning and Supportive Services** in the amount of \$25,000.00/\$2,500.00 Township Contribution;

and does authorize the execution of said grant applications by the appropriate Township Officials.

**Q. 03-099 RESOLUTION - GRANT APPLICATION - TONY HAWK FOUNDATION - SKATE PARK RAMPS & SURFACING - AN AMOUNT NOT TO EXCEED \$25,000.00**

**BE IT AND IT IS HEREBY RESOLVED** that the Township Council of the Township of Franklin, County of Somerset and State of New Jersey does hereby authorize the submission of Grant Applications to Tony Hawk Foundation:

**For skate park ramps and surfacing in the amount of \$25,000.00;**

and does authorize the execution of said grant applications by the appropriate Township Officials.

**R. 03-100 RESOLUTION - GRANT APPLICATION - SOMERSET COUNTY COMMUNITY DEVELOPMENT OFFICE GRANT APPLICATION - HOME FUNDS - \$100,000.00**

**BE IT AND IT IS HEREBY RESOLVED** that the Township Council of the Township of Franklin, County of Somerset and State of New Jersey does hereby authorize the submission of Somerset County Community Development Office Grant Application for:

**HOME Funds - \$100,000.00**, for moderate rehabilitation (up to \$25,000.00) for 4-5 homes. Owner-occupied low and moderate-income households will participate in no-interest loans for basic systems repairs;

and does authorize the execution of said grant applications by the appropriate Township Officials.

**S. 03-101 RESOLUTION - AUTHORIZE RAFFLE/BINGO**

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

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

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

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

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Franklin Township Food Bank, Inc.  
60 Millstone Road, Somerset, NJ  
On-Premise 50/50 – RL#1380  
On-Premise Raffle – RL1381  
Drawing: McAteer's Restaurant, Somerset

DATE OF RAFFLE/BINGO

March 21, 2003  
7:00 pm – 11:00 pm

Church of St. Matthias  
170 JFK Boulevard, Somerset, NJ  
On-Premise Raffle – RL#1382  
Drawing: St. Matthias School Cafeteria

March 22, 2003  
10:30 am – 1:00 pm

**T. 03-102     RESOLUTION - SPECIAL EVENT PERMIT - CATHOLIC COMMUNITY OF SAINT MATTHIAS CHURCH - CARNIVAL - TUESDAY, MAY 13 thru SUNDAY, MAY 18, 2003**

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

Tuesday,	May 13;	Wednesday, May 14;	
Thursday,	May 15 & Friday,	May 16	6:00 to 10:00 pm
Saturday,	May 17		2:00 to 10:00 pm
Sunday,	May 18		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;

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- (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

**U. Removed from Consent Agenda****V. 03-104 RESOLUTION - ACCEPT STREET - COMO DRIVE EXTENSION**

**WHEREAS**, in connection with the improvements required by a subdivision of the Toto/Gierlich property by the Township of Franklin, the following described road extension has been dedicated to the Township:

**COMO DRIVE**

A 50 feet wide road beginning at its existing terminus approximately 2,317 feet northwesterly of its intersection with Cedar Grove Lane and extending northwesterly, a distance of approximately 200 feet to its new terminus.

The above named road extension as laid out on a certain map entitled "Final Map, Lands of Toto and Gierlich, Township of Franklin, Somerset County, New Jersey," prepared by Fisk Associates, dated April 23, 2001, revised to June 6, 2001 and filed in the Somerset County Clerk's Office as Instrument No. 2003005919.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey accepts the dedication of the above listed road or portion of road as a municipal road open to the public as of the date of this resolution.

**W. 03-105 RESOLUTION - RELEASE OF PLAN 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: REATHA TALIAFERRO  
 ADDRESS: 52 Camner Avenue Somerset NJ 08873  
 DOCKET NO: ZBA2002-0005  
 BLOCK/LOT: 114/5-8  
 LOCATION: 75 Berry Street  
 AMOUNT DEPOSITED: \$ 600.00  
 AMOUNT CHARGED: < 37.50 >  
 AMOUNT TO BE REFUNDED: \$ 562.50

APPLICANT: WILLIAM KLEIBER  
 ADDRESS: 1145 Canal Road Princeton NJ 08540  
 DOCKET NO: ZBA2001-0032  
 BLOCK/LOT: 9/22  
 LOCATION: 1145 Canal Road  
 AMOUNT DEPOSITED: \$1,000.00  
 AMOUNT CHARGED: 150.00  
 AMOUNT TO BE REFUNDED: \$ 850.00

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APPLICANT: TP CONSTRUCTION COMPANY  
 ADDRESS: 149 Hemlock Drive Phillipsburg NJ 08865  
 DOCKET NO: BRA02-020  
 BLOCK/LOT: 566/7-10  
 LOCATION: 208 Sanders Avenue  
 AMOUNT DEPOSITED: \$ 150.00  
 AMOUNT CHARGED: < 87.50 >  
 AMOUNT TO BE REFUNDED: \$ 62.50

APPLICANT: JOHN & PATRICIA SZUCS  
 ADDRESS: 9 Maxwell Lane Somerset NJ 08873  
 DOCKET NO: ZBA2002-0010  
 BLOCK/LOT: 450/17-22  
 LOCATION: 9 Maxwell Lane  
 AMOUNT DEPOSITED: \$ 300.00  
 AMOUNT CHARGED: < 120.00 >  
 AMOUNT TO BE REFUNDED: \$ 180.00

APPLICANT: ANDREW & ANN LUCAS  
 ADDRESS: 153 Cedar Grove Lane Somerset NJ 08873  
 DOCKET NO: ZBA2002-0105  
 BLOCK/LOT: 507/12.02  
 LOCATION: 153 Cedar Grove Lane  
 AMOUNT DEPOSITED: \$1,500.00 In-House \$500.00 Ellen Ritchie  
 AMOUNT CHARGED: 480.00 <250.00>  
 AMOUNT TO BE REFUNDED: \$1,020.00 \$250.00

APPLICANT: PRINCETON RESEARCH LANDS, INCORPORATED  
 ADDRESS: 195 Nassau Street Princeton NJ 08540  
 DOCKET NO: ZBA2002-0095 ZBA2002-0146  
 BLOCK/LOT: 73.01/1.19 73.01/1.18  
 LOCATION: 146 Grouser Road 136 Grouser Road  
 AMOUNT DEPOSITED: \$3,000.00 \$3,000.00  
 AMOUNT CHARGED: < 120.00 > < 120.00 >  
 AMOUNT TO BE REFUNDED: \$2,880.00 \$2,880.00

APPLICANT: KATHRYN ORLANDO  
 ADDRESS: 1170 Easton Avenue Somerset NJ 08873  
 DOCKET NO: ZBA2001-0062  
 BLOCK/LOT: 386.17/132.02  
 LOCATION: Bedford Road  
 AMOUNT DEPOSITED: \$350.00 In House \$2,800.00 Schoor DePalma  
 AMOUNT CHARGED: 350.00 1,233.75  
 AMOUNT TO BE REFUNDED: \$ -0- \$1,566.25

APPLICANT: PAULETTE ROBINSON  
 ADDRESS: 238 Lenox Place Somerset NJ 08873  
 DOCKET NO: ZBA2001-0053  
 BLOCK/LOT: 340/51, 52, 53 & 54  
 LOCATION: 238 Lenox Place  
 AMOUNT DEPOSITED: \$2,000.00  
 AMOUNT CHARGED: 80.00  
 AMOUNT TO BE REFUNDED: \$1,920.00

**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.

**WORK SESSION/REGULAR MEETING – FEBRUARY 25, 2003****X. 03-106 RESOLUTION - AUTHORIZE OUT OF STATE TRAINING – SERGEANT HADDON STEIN, FTPD – DEPARTMENT OF DEFENSE OFFICE OF NATIONAL DRUG CONTROL POLICY - HANDHELD THERMAL IMAGER TRAINING – MARCH 16-20, 2003**

**BE IT AND IT IS HEREBY RESOLVED** by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that permission is hereby granted for Sergeant Haddon Stein, FTPD, to attend training for Handheld Thermal Imager presented by the Department of Defense Office of National Drug Control Policy in Orlando Florida from March 16-20, 2003 at no cost to the Township.

**Y. 03-107 RESOLUTION - RELEASE OF ESCROW MONIES**

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

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

APPLICANT: REDCO ENGINEERING  
 ADDRESS: PO Box 470  
 Bound Brook NJ 08805  
 DOCKET NO: P91001P  
 BLOCK/LOT: 95/1  
 LOCATION: 220 Churchill Avenue  
 AMOUNT DEPOSITED: \$ 3,500.00  
 AMOUNT CHARGED: < 2,930.00 >  
 AMOUNT TO BE REFUNDED: \$ 570.00

APPLICANT: ESA MANAGEMENT, INCORPORATED  
 ADDRESS: 450 East Las Olas Boulevard, Suite 1100  
 Fort Lauderdale FL 33301  
 DOCKET NO: P2000017P  
 BLOCK/LOT: 468.11/18.02  
 LOCATION: 30 Worlds Fair Drive/Intersection of Pierce & Worlds Fair  
 AMOUNT DEPOSITED: \$34,464.00  
 AMOUNT CHARGED: <30,619.78 >  
 AMOUNT TO BE REFUNDED: \$ 3,853.22

**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.

**Z. 03-108 RESOLUTION - PERFORMANCE GUARANTEE REDUCTION - JAMM REALTY CORPORATION aka KF SCHOOLHOUSE LLC - DOCKET NO. 2002-0010 - FROM \$848,634.00 TO \$254,590.02**

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

ITEM: PERFORMANCE BOND  
 NAME OF APPLICANT: JAMM REALTY CORPORATION  
 aka KF SCHOOLHOUSE LLC  
 ADDRESS OF APPLICANT: 520 US Highway 22 PO Box 6872  
 Bridgewater NJ 08807

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NUMBER: PA0508131

INSURANCE CO./BANK: The Insurance Company State of Pennsylvania  
70 Pine Street New York NY 10270

IN THE AMOUNT OF: \$848,634.00

FOR: Site Improvements for Docket No. PLN2002-0010, Block 514/Lot 6 - 50  
Schoolhouse Road; and

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

**WHEREAS**, the Township Engineer, after inspection, recommends reduction of the aforesaid Performance Guarantee to the amount of \$254,590.02;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the aforesaid Performance Guarantee be released to the above named applicant upon receipt of a reduced performance guarantee in the amount of \$254,590.02.

**AA. 03-109 RESOLUTION - PERFORMANCE GUARANTEE REJECTION - MAYO & JOAN SISLER/NEW MILLENIUM BANK - DOCKET NO. P2000083P - \$35,856.00**

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

**ITEM:** PERFORMANCE BOND

**NAME OF APPLICANT:** MAYO & JOAN SISLER  
NEW MILLENIUM BANK

**ADDRESS OF APPLICANT:** 413 McDowell Drive  
East Brunswick NJ 08816

**NUMBER:** 9073

**INSURANCE CO./BANK:** Service Insurance Company  
80 Main Street, 3<sup>rd</sup> Floor West Orange NJ 07052

**IN THE AMOUNT OF:** \$35,856.00

**FOR:** Site Improvements for Docket No. P2000083P - Block 219/Lot 1.01, 695 Hamilton Street;  
and

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

**WHEREAS**, by report dated February 20, 2003, the Township Engineer recommends rejection of the request based upon unapproved as built drawings; and

**WHEREAS**, the **Municipal Land Use Law** requires the Governing Body, by resolution, to release or reject the release of Performance Guarantees within forty five (45) days of the report from the Township Engineer;

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Franklin, Somerset County, New Jersey does hereby reject the request from Mayor and Joan Sisler to release the aforesaid referenced Performance Guarantees for the reasons set forth above.

**WORK SESSION/REGULAR MEETING – FEBRUARY 25, 2003****BB. 03-110 RESOLUTION - PERFORMANCE GUARANTEE RELEASE - EASTERN HILL LLC – CEDAR GROVE LAND WATERLINE – THE WOODLANDS - \$175,000.00**

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

ITEM: PERFORMANCE BOND

NAME OF APPLICANT: EASTERN HILL LLC

ADDRESS OF APPLICANT: 1065 Route 22 West  
Bridgewater NJ 08807

NUMBER: UB1006299

INSURANCE CO./BANK: Universal Bonding Insurance Company  
518 Stuyvesant Avenue Lyndhurst NJ 07071

IN THE AMOUNT OF: \$175,000.00

FOR: Site Improvements for Docket No. The Woodlands, Installation of 16" Waterline Cedar Grove Lane - from Stonehedge to Weston Road; and

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

**WHEREAS**, the Township Engineer, after inspection, recommends release of the aforesaid Performance Guarantee subject to filing of a two (2) year Maintenance Bond in the amount of \$26,250.00;

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

**CC. 03-111 RESOLUTION - RELEASE PERFORMANCE GUARANTEE - EXTENDED STAY AMERICA NJ, INCORPORATED - DOCKET NO. P2000017P - \$584,823.84**

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

ITEM: PERFORMANCE BOND

NAME OF APPLICANT: EXTENDED STAY AMERICA NJ, INCORPORATED

ADDRESS OF APPLICANT: 2655, 450 E. Las Olas Boulevard, Suite 1100  
Fort Lauderdale FL 33301

NUMBER: 04022471

INSURANCE CO./BANK: Fidelity & Deposit Company of Maryland  
300 Broad Acres drive, Suite 200 Bloomfield NJ 07003

IN THE AMOUNT OF: \$584,823.84

FOR: Site Improvement for Docket No. P2000017P, Block 468.11/Lot 18.02 - 30 Worlds Fair Drive/Intersection of Pierce Street & Worlds Fair Drive; and

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

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

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

**DD. 03-112 RESOLUTION – PERFORMANCE GUARANTEE RELEASE - REDMONT ASSOCIATES - DOCKET NO. P91001P - \$64,800.00**

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

ITEM: IRREVOCABLE LETTER OF CREDIT

NAME OF APPLICANT: REDMONT ASSOCIATES

ADDRESS OF APPLICANT: 15-17 Maiden Lane  
Bound Brook NJ 08805

NUMBER: JS 1127777

INSURANCE CO./BANK: Fleet Bank - National Association  
C/o Fleet Pennsylvania Services #1 Fleetway  
Scranton PA 18507-1999

IN THE AMOUNT OF: \$64,800.00

FOR: Site Improvement for Docket No. P91001P, Block 95/Lot 1 - 220 Churchill Avenue;  
and

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

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

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

**EE. 03-113 RESOLUTION - AUTHORIZING THE SUBMISSION OF AN AMENDMENT TO THE 2002 ANNUAL ACTION PLAN**

**WHEREAS**, Title I of the Housing and Community Development Act of 1974 as amended provides for a program of Community Block Grants (CDBG); and

**WHEREAS**, the Township of Franklin is an entitled Township as defined under said Act and is entitled to financial assistance; and

**WHEREAS**, Federal Regulations at 24 CFR Part 91 require that the Township is permitted to revise activities in the Annual Action; and

**WHEREAS**, a public meeting has considered an amendment to the 2002 Annual Action Plan following publication of the proposal to provide for the following program changes:

- |  |                  |                    |
|--|------------------|--------------------|
| • Gateway Project Public Improvement   | <b>Budgeted:</b> | <b>\$37,990.00</b> |
|  | <b>Amended</b>   | <b>\$ -0-</b>      |
| • Gateway Project Property Acquisition | <b>Budgeted:</b> | <b>\$ -0-</b>      |
|  | <b>Amended:</b>  | <b>\$56,990.00</b> |

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- **After School Program** **Budgeted: \$36,150.00**  
**Amended: \$17,150.00**

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Township Council of the Township of Franklin in the County of Somerset, State of New Jersey that the Mayor be and is authorized and directed to submit the Township of Franklin's amendment to the 2002 Annual action Plan to the US Department of Housing and Urban Development and to provide such additional information as may be required;

**BE IT FURTHER RESOLVED** that the Township Clerk shall send a certified copy of this resolution to the US Department of Housing and Urban Development, Franklin Township Chief Financial Officer, Grant Coordinator and Housing and Community Development Services, Incorporated.

**FF. 03-114 RESOLUTION - EXTEND SECOND ROUND SUBSTANTIVE CERTIFICATION – NEW JERSEY COUNCIL ON AFFORDABLE HOUSING**

**WHEREAS**, the Township of Franklin, Somerset County received substantive certification from the New Jersey Council on Affordable Housing (COAH) on July 9, 1997 for a period of six (6) years, and this substantive certification will expire on July 9, 2003; and

**WHEREAS**, COAH has adopted a rule permitting a municipality to extend its second round substantive certification for up to one year after the effective date of the adoption of COAH's third round methodology and rules if a municipality requests an extension, commits to continuing to implement the certified second round plan and also commits to addressing its third round obligation with a newly adopted housing element and fair share plan; and

**WHEREAS**, the Township of Franklin, Somerset County must commit to either filing a newly adopted housing element and fair share plan addressing the third round obligation with COAH or petition for a third round substantive certification prior to the expiration of the extended second round substantive certification;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey, that Township of Franklin requests COAH, under its procedure at N.J.A.C. 5:91-14.3, to extend substantive certification for up to one year after the effective date of the adoption of COAH's third round methodology and rules; and

**BE IT FURTHER RESOLVED** that the Township of Franklin hereby commits to continue to implement its certified second round plan; and

**BE IT FURTHER RESOLVED** that the Township of Franklin hereby commits to address its third round fair share obligation with a newly adopted housing element and fair share plan within one year after the effective date of COAH's third round methodology and rules; and

**BE IT FURTHER RESOLVED** that the Township of Franklin shall either file the newly adopted housing element and fair share plan addressing the third round obligation with COAH or petition for a third round substantive certification prior to the expiration of the extended second round substantive certification.

**GG. 03-115 RESOLUTION - PROFESSIONAL SERVICE - CHAM ESTIMATING SERVICE, INCORPORATED - ESTIMATOR OF THE PROPOSED LIBRARY ADDITION & RENOVATION - AN AMOUNT NOT TO EXCEED \$13,000.00**

**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

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**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: CHAM ESTIMATING SERVICE, INCORPORATED**

**ADDRESS: 1 Vanderwater Court East Brunswick NJ 08816**

**CONTRACT AMOUNT: Not to exceed \$13,000.00**

**SERVICE: Professional Services for the Township of Franklin,  
Estimator of the Proposed Library Addition and Renovation**

**HH. 03-116 RESOLUTION - PROFESSIONAL SERVICE - CIVIL SOLUTIONS -  
ADMINISTRATION OF TOWNSHIP GEOGRAPHIC INFORMATION  
SYSTEM (GIS) - AN AMOUNT NOT TO EXCEED \$10,000.00**

**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.

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- (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: CIVIL SOLUTIONS**  
**ADDRESS: PO Box 579 Hammonton NJ 08037-2019**  
**CONTRACT AMOUNT: Not to exceed \$10,000.00**  
**SERVICE: Administration of the Township Geographic Information System (GIS).**

**II. 03-117 RESOLUTION - WATER OVERPAYMENT**

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

<b><u>BLOCK/LOT</u></b>	<b><u>NAME/ADDRESS</u></b>	<b><u>REASON</u></b>	<b><u>AMOUNT</u></b>
339/73.01	EMC C/O NJREO 26 Orange Road Montclair NJ 07042	Overpayment	\$65.92

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

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

**JJ. 03-118 RESOLUTION - TAX OVERPAYMENT**

**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.

<b><u>YEAR</u></b>	<b><u>BLOCK/LOT</u></b>	<b><u>NAME</u></b>	<b><u>REASON</u></b>	<b><u>AMOUNT</u></b>
2002	286/6.01	LEWIS, GERALD & CANDY 30 BELMAR STREET SOMERSET, NJ 08873	ERROR ON ADDED	4,770.04

Motion was made by Mr. Levine and seconded by Ms. Barrier to approve the items of the foregoing Amended Consent Agenda. Assistant Manager Dashield polled the Board, the vote was as follows:

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

Motion was carried.

**15N. 03-096 RESOLUTION – STORM WATER DETENTION FACILITY MAINTENANCE AGREEMENT – RASI LABORATORIES**

Ms. Barrier noted that this detention basin agreement seems similar to the waiver issued to Barbieri Builders to which she is opposed. Township Manager Daly and Township Attorney Rainone responded that this situation is different. The Barbieri development is residential and State Statute requires the Township to take over the detention basin. The Rasi Laboratories development is commercial and maintenance of the basin by the property owner is required standard procedure. Ms. Barrier noted that this response has satisfied her concerns.

**Read by Assistant Township Manager Dashield**

**BE IT RESOLVED** that the Township Council of the Township of Franklin, County of Somerset does hereby authorize the Mayor and Township Clerk to execute on its behalf the amended Storm Water Detention Facility Maintenance Agreement with Rasi Laboratories granting the Township the right to inspect and make emergency repairs to the applicant's Storm Water Detention Facility on Lot 36.02 in Block 88.02, located on Roosevelt Avenue to insure compliance by the applicant with the Maintenance of said facility as set forth in the agreement which is on file in the office of the Township Clerk and available for public inspection.

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

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

Motion was carried.

**15U. 03-103 RESOLUTION – DETERMINATION OF D&R CANAL REDEVELOPMENT AREAS AS IN NEED OF REDEVELOPMENT**

**WHEREAS**, in response to a resolution adopted by the Township Council on October 8, 2003, the Planning Board of the Township of Franklin, pursuant to N.J.S.A. A:12A, the Local Redevelopment and Housing Law (“LRHL”) undertook an investigation to determine whether the properties known as:

- Stavola Study Area - Block 8, Lot 1; Block 9, Lot 1
- Laurie Rubber Study Area - Block 60, Lots 12-21; Block 62- Lots 1,2,3, 7, 8, 10
- Franklin Inn-Onka Study Area - Block 512, Lot 4

as delineated on the tax map, individually qualify as an “Area in Need of Redevelopment”, and

**WHEREAS**, the Planning Board had a study of the above described areas prepared by Heyer, Gruel & Associates, 63 Church Street, New Brunswick, NJ which resulted in a report entitled “D & R Canal Area Redevelopment Study”, conducted a public hearing as part of its investigation on January 22, 2003 after notice and, by resolution adopted February 5, 2003, made the following findings to the Township Council:

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1. Based upon an analysis of existing land uses, physical characteristics and accessibility using tax records, public information and visual inspections, the Stavola Study Area meets the “a” and “d” criteria as established in Section 5 of the LRHL; the Laurie Rubber Study Area meets the “c” criterion as established in Section 5 of the LRHL and the Franklin Inn-Onka Bus Study Area meets the “d” criterion as established in Section 5 of the LRHL.
2. The redevelopment process can help the Township facilitate the preservation of historic structures that are currently at risk.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Franklin, Somerset County, New Jersey, does hereby determine that the areas hereinabove set forth are areas in need of redevelopment.

Motion was made by Deputy Mayor Grippo and seconded by Ms. Barrier. Assistant Township Manager Dashield polled the Board, the vote being as follows:

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

Motion was carried.

**NOMINATIONS FOR ONE (1) REGULAR MEMBER OF THE ADVISORY BOARD OF HEALTH TO FILL THE UNEXPIRED TERM OF JOHN CARLANO EXPIRING 12/31/03**

Ms. Barrier moved to defer this nomination to the March 11, 2003 meeting. Mr. Mettler seconded the motion. Motion was carried unanimously.

**17. 03-119 RESOLUTION - ACCEPT RESIGNATION - FRANCES J. VARGA - RENT LEVELING BOARD**

**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 Ms. Frances J. Varga as a member of the Rent Leveling Board effective February 25, 2003; and

**BE IT FURTHER RESOLVED** that the Township Council does hereby thank and commend the said Frances J. Varga for services performed on behalf of said Township.

**18. NOMINATIONS FOR ONE (1) CITIZEN MEMBER – RENT LEVELING BOARD TO FILL THE UNEXPIRED TERM OF FRANCIS J. VARGA – EXPIRING 12/31/03**

Assistant Township Manager Dashield called for nominations for one (1) Citizen Member of the Rent Leveling Board to fill the unexpired term of Francis J. Varga commencing February 25, 2003 and expiring December 31, 2002.

Mr. Grippo nominated Harold Leventhal. Ms. Barrier seconded the nomination.

Mr. Mettler noted that Fran Varga served as a citizen member of the Rent Leveling Board. Mr. Leventhal is a tenant rather than a homeowner. The Rent Leveling Ordinance limits the number of tenants who can serve at the same time and it must be determined if a tenant can be appointed.

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This nomination was deferred pending confirmation of the Council’s ability to appoint a tenant to this position.

**19. NOMINATION – LABOR ATTORNEY – ONE (1) YEAR TERM**

Assistant Township Manager Dashield called for nominations for Labor Attorney for a one (1) year term commencing February 25, 2003 and expiring December 31, 2003.

Deputy Mayor Grippo nominated Elia A. Pelios, Esq. Ms. Eberle seconded the nomination.

There being no further nominations, upon a motion made, seconded and agreed, the nominations were closed and the Assistant Township Manager Dashield was directed to poll the Council on the nomination.

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

Motion was carried.

**20. NOMINATION FOR ONE (1) CITIZEN MEMBER OF THE OPEN SPACE COMMITTEE TO FILL THREE (3) YEAR TERM EXPIRING 12/31/05**

Assistant Township Manager Dashield called for nominations for one (1) Citizen Member of the Open Space Committee to fill the three (3) year term commencing February 25, 2003 and expiring December 31, 2005.

Deputy Mayor Grippo nominated Jack Connolly.

There being only one nomination for one position, Assistant Township Manager Dashield declared Jack Connolly appointed by unanimous acclamation.

**21. RESOLUTION - MEETING NOT OPEN TO PUBLIC - NEW JERSEY OPEN PUBLIC MEETINGS ACT, NJSA 10:4-12**

**Read by Assistant Township Manager Dashield**

**WHEREAS**, the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey is subject to certain requirements of the **Open Public Meetings Act, NJSA 10:4-6, et seq.**; and

**WHEREAS**, **Open Public Meetings Act, NJSA 10:12**, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by resolution; and

**WHEREAS**, it is necessary for the Township Council of the Township of Franklin to discuss in a session not open to the public certain matters relating to the item or items authorized by **NJSA 10:4-12b** and designated below:

- Property Acquisition**
- Kingston School**
- Scott Property**
- Tulipwood**
- Open Space Acquisitions**
- Central Jersey Jewish Home for the Aged**

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**Matters Relating to the Purchase, Lease or Acquisition of Real Property or the Investment of Public Funds:** Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.

**Tax Appeals**

**Pannonia Company, L.P.  
Molecu Wire Corporation  
EFG Realty Company**

**Matters Relating to Litigation, Negotiations and the Attorney-Client Privilege:** Any pending or anticipated litigation or contract negotiation in which the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin, assembled in public session on this 25<sup>th</sup> day of February, 2003, that an Executive Session closed to the public shall be held on February 25, 2003, at 10:07 p.m. in the Franklin Township Municipal Complex, 475 DeMott Lane Somerset, New Jersey for the discussion of matters relating to the specific items designated above.

It is anticipated at this time that the above-stated subject matter will be made public:

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

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

This Resolution shall take effect immediately.

Motion by was made by Mr. Chivukula and seconded by Mr. Mettle; motion was carried unanimously.

Council adjourned to Executive Session at 10:25 p.m. Meeting resumed and was immediately adjourned at 11:07 p.m.

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**WILLIS SUMTER, MAYOR**

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**JEAN C. PELLICANE, RMC, TOWNSHIP CLERK**