

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

Mayor Levine called the Work Session/Regular Meeting of the Township Council to order. Mayor Levine stated "In accordance with Section 5 of the Open Public Meeting Act, Chapter 231, Public Law 1975, be advised that adequate notice of this Work Session/Regular Meeting of the Township Council of the Township of Franklin, County of Somerset was made by the posting on the bulletin board at the Municipal Complex and transmitted to the officially designated newspapers, a list of dates, annually, indicating that this Work Session/Regular Meeting would take place at the Franklin Township Municipal Complex at 7:00 p.m. on March 8, 2005. In addition, a copy of this notice is and has been available to the public and is on file in the Office of the Municipal Clerk."

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

The Township Clerk called the roll.

Present: Ms. Ashley-Williams (arrived 7:08 pm), Mr. Chivukula (arrived 7:45 pm), Ms. Danile, Ms. Eberle, Mr. Levine, Mr. McKenzie, Mr. Regan, Ms. Ritchie (arrived 7:09 pm), Mr. Sumter (arrived 7:11 pm).

Absent: None

Also present: Louis N. Rainone, Esq., Township Attorney (arrived 7:10 p.m.), Kenneth W. Daly, Township Manager, Ann Marie McCarthy, Township Clerk

PROCLAMATION

Girl Scout Week

Ms. Danile, with Mayor Levine, read the following proclamation:

WHEREAS, GIRL SCOUTS OF THE U.S.A. observes the 93rd Anniversary of its founding on March 11, 2005; and

WHEREAS, since 1912, Girl Scouting has helped more than forty nine million members enjoy wholesome activities; and

WHEREAS, Girl Scouting is an important way for girls to become self-reliant, productive and self-confident women;

NOW, THEREFORE, BE IT RESOLVED THAT I, BRIAN D. LEVINE, MAYOR of the Township of Franklin, Somerset County, New Jersey on behalf of the Township Council, do hereby proclaim March 6-12, 2005 as

"GIRL SCOUT WEEK"

in the Township of Franklin, and call upon all Citizens of the Township of Franklin to recognize and support the contributions made by Girl Scouts and adult volunteers toward improving the quality of life in our Community.

March 8, 2005

/s/ Brian D. Levine, Mayor

EXECUTIVE SESSION

The following resolution was moved by Deputy Mayor McKenzie, seconded by Ms. Danile and carried as follows upon call of the roll:

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

WHEREAS, Section 8 of the Open Public Meetings Act, (NJSA 10:4-12 (b) (1-9), Chapter 231, P.L. 1975, permits the exclusion of the Public from a meeting under certain circumstances; and

WHEREAS, the Township Council is of the opinion that such circumstances do exist;

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

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matters:
2. The general nature of the subject matter to be discussed is as follows: *Contracts – Union Negotiations*.
3. The Township Council may take official action on those items discussed in Executive Session upon completion of the Executive Session.
4. The minutes of the discussion shall be made available to the public as soon as the matters under discussion are no longer of a confidential or sensitive nature.
5. This resolution shall take effect immediately.

The meeting adjourned to Executive Session at 7:10 p.m. Mr. Regan moved to resume the meeting at 8:10 p.m. Said motion was seconded by Mr. Chivukula and carried unanimously upon voice vote.

MAYOR'S REPORT

Mayor Levine made the following report:

- Thanked the FTTV-25 volunteers for videotaping the meeting.
- Explained how the meeting is conducted for the benefit of audience and viewers.
- Announced that he would deliver a "State-of-the-Municipality Address in Council Chambers on Monday, March 28, 2005.
- March 13-19 is "Sunshine Week". Sunshine Week refers to openness in government and the public's right to know. In Franklin, he stated that they are committed to open government and public access. He encourages everyone to look into the issue.
- He was interviewed to discuss events in Franklin Township on WCTC-1450-AM and WMGQ-98.3-FM radio. He stated it was aired last weekend and would be repeated on March 19th and 20th.
- In regards to 90 Old Georgetown Road, the property owners have been sanctioned, fined, warned and sentenced to Community Service in court through the efforts of Franklin Township resident Murray Rothblatt, an officer in the New Jersey State Society for the Prevention of Cruelty to Animals and the very able efforts of the Franklin Municipal Court system.

Mr. Chivukula asked for a status report from the Council Representatives of the Redevelopment Agency.

Ms. Ashley-Williams announced that the redevelopers, Pennrose Properties, Inc. and the First Baptist Community Development Corporation have withdrawn from the Gateway Project. She stated Mr. Daly, Executive Director of the Redevelopment Agency, had been instructed to solicit other redevelopers and he has begun that process.

Mr. Chivukula asked what is to happen to the residents of Block 123. He stated that they have not met their obligations to Block 123. He suggested that Council should draft a resolution to the Redevelopment Agency recommending rezoning Block 123 back to residential infill.

Mr. Sumter stated Council should meet to discuss these new events regarding the Gateway Project. He noted he only knows what he has read in the newspaper.

Mr. Daly reported that the Redevelopment Agency has directed him to solicit other redevelopers. He stated he would not be marketing Block 123 in the proposed redevelopment project. He stated the proper venue to discuss the rezoning of Block 123 and the redevelopment plan is during the revision of the Master Plan process. He stated that there is a joint meeting of the Redevelopment Agency and the Planning Board to be held on March 21, 2005. He stated that it is important to keep the project moving forward.

Ms. Ashley-Williams agreed that it is important to move the project forward. She stated that Block 123 would be discussed at the joint meeting with the Planning Board. She stated that discussions with prospective redevelopers would not include Block 123. She stated that she felt it is premature to take any action at this time on Block 123.

Mr. Chivukula stated he only suggested a resolution that reflects the concurrence of Council to rezone Block 123 to residential infill. He stated that Council has not received any formal reports from the representatives of the Redevelopment Agency over the last few years. He stated that Council members need to be informed and updated of the project.

Ms. Ritchie stated that she would be uncomfortable in taking action at this time since only some Council members are aware of the new developments occurring with the project. She stated that she is anxious to meet with the Redevelopment Agency to re-examine the project. She stated that many developments have occurred over the last 10 years that need to be addressed. She expressed the importance of considering the plan in its entirety. She noted that the process would not take long and it should move quickly.

Ms. Danile agreed that Block 123 should not be marketed in the proposed plan and something should be done formally by Council. She stated that Mr. Chivukula only suggested that at a minimum, Council adopt a resolution stating that they agree that they don't want to see Block 123 marketed in the redevelopment plan.

Mr. Regan agreed that a resolution to the Redevelopment Agency would be a fair step to take by Council. He stated the resolution would reaffirm to the Redevelopment Agency not to market Block 123 in the redevelopment plan. He noted that was a reasonable request by Mr. Chivukula. He stated that they made a commitment to Block 123 to treat them fairly and in a timely manner. He stated that the rezoned Block 123 was not in the original plan and should be removed from the amended plan. He stated that the project should return to the neighborhood concept.

Mr. Sumter moved to table the discussion on Block 123. Said motion was seconded by Deputy Mayor McKenzie.

Ms. Ritchie asked what commitment was made to those in Block 123. Mr. Regan replied that at the time Block was rezoned on September 14th, it was committed to those in Block 123

that they would be treated fairly in negotiations and in a timely manner. He stated that the Redevelopment Agency had set up a timeline that has not been met.

Ms. Ritchie stated that rezoning issues should come from the Planning Board first so that it is evaluated appropriately in regards to land use conditions. She stated that the Planning Board voted to rezone the property from residential infill to gateway commercial. She explained the process of zoning changes and amending the master plan.

Mr. Chivukula reiterated his suggestion to send a resolution to the Redevelopment Agency supporting the option of rezoning Block 123 back to residential infill.

Mr. Rainone stated that the motion to table the discussion was to move on to the next agenda item. Mr. Regan requested a timetable of the redevelopment project from Mr. Daly. Mayor Levine stated that he would get together with Ms. Ashley-Williams and Mr. Daly to prepare a status report for Council.

DEPUTY MAYOR'S REPORT

Deputy Mayor McKenzie turned the meeting to Mr. Regan, who reported as liaison to the Fire Prevention Board. He reported there was great interest from the Township's firefighters to construct a Firefighter Memorial. He stated that this should be a matter to be discussed by Council since there is great interest from the community.

Deputy Mayor McKenzie stated that Ms. Ashley-Williams obtained a draft resolution supporting the restoration of CDBG funding. Ms. Ashley-Williams stated that there is a resolution listed on the consent agenda supporting the restoration of CDBG funding. She asked Council to support this resolution and that it be sent to the State legislators as well as Senators and Congressman.

Ms. Ashley-Williams noted in regards to a written status report from the Redevelopment Agency Council representatives, she has submitted official reports in writing to Council every month. She stated that she did not have one prepared for this evening since the meeting only occurred last evening.

Mayor Levine stated that it may be a good suggestion that Council members who are liaisons to various boards and commissions provide written reports to Council.

REVIEW OF PREPARED AGENDA

Mayor Levine led a discussion of the prepared agenda. He announced that Ordinance #3520 was removed from the agenda and a public hearing would not be held due to technical reasons regarding publication in the official newspaper. He announced that Ordinance #3540 was removed from the agenda for introduction because the ordinance was not ready for introduction. Mr. Daly stated that the ordinance was not ready by Friday and felt it would be unfair to give the ordinance to Council tonight for introduction because of the ordinance's complexity.

In response to questions by Ms. Danile regarding the following ordinances:

ORDINANCE NO. 3536 An Ordinance of the Township of Franklin, County of Somerset, State of New Jersey, Authorizing Acceptance of Deed Dedication – Schoolhouse Road (Lot 7, Block 513.01) – Canal Walk Associates, LLC.

ORDINANCE NO. 3538: An Ordinance Amending the Code of the Township of Franklin, Somerset County, New Jersey, more particularly Chapter 226, Vehicles & Traffic – Section 226-17, Vehicles over Designated Weight Excluded (Various Streets).

Mr. Daly stated that as part of the New Brunswick Road realignment, it was demanded of the Somerset Run developer to improve traffic safety with a four-way intersection with a light on the east-west corridor at the expense of the developer. Residents bought homes several years after plan and concerns were raised that the homes are too near the road. Mr. Daly stated that he discussed with Sgt. Vornlocker the turn radius of Old New Brunswick Road. It was stated that a truck cannot physically make the turn. There is a 4-ton weight limit on Cedar Grove Lane/Davidson Avenue. There are two ways a truck may approach area – Davidson Avenue from Schoolhouse Road/Canal Road and Route 287. He stated that Pierce Street was built as a major truck thoroughfare and that most are using Pierce Street for most deliveries. He stated that even though there are weight limitations on a road, delivery trucks are exempt. He stated that there is not a truck route ordinance for the Township. He stated that Ordinance #3538 has taken four years to get approval from the NJ Department of Transportation. At present there is not a weight limitation on Blackwells Mill Road and Van Cleef Road and the Blackwells Mill Bridge has a 20-ton weight limit. The 20-ton limit on these roads was to conform to the weight limitation of the bridge.

Mayor Levine explained Ordinance #3537 – Ordinance Amending Code Chapter 112, Section 112-32.02, Development Fees for Affordable Housing. It increases the developer's fees from 0.5% to 1% of the equalized assessed value of any eligible residential activity. Mr. Chivukula asked why only raise it to 1%, Ms. Ritchie explained that new COAH rules increase residential buildings from 0.5% to 1% and non-residential buildings from 1% to 2%. She stated this ordinance is a first step to amending the assessment fees across the board. Mr. Daly stated that there is a draft ordinance amending the entire ordinance that will be done at a future meeting.

Mayor Levine explained that Ordinance #3539 is a bond ordinance that appropriates \$58,800 for a sound system for the Senior Community Center and improvements to the pool at Naaman Williams Park.

Mr. Chivukula commended Mr. Sumter for his long time service on the Youth Services Commission. Mr. Sumter explained his resignation from the Youth Services Commission was due to his problems with his eyes and that he cannot drive at night. He commended Ms. Ritchie and wished her luck as his replacement.

Ms. Ritchie thanked Mr. Sumter. She asked that the following resolutions be removed from the Consent Agenda:

Resolution #05-095 – Authorize Grant Application – Somerset County Home Program – in support of application in partnership with Habitat for Humanity to purchase homes in foreclosure for purchase by low income homeowners to meet COAH Credit Requirements.

Resolution #05-096 – Authorize Grant Application –Resolution #05-098 – Amend Resolution #04-490 – Authorizing Somerset County Coalition on Affordable Housing Counseling Contract by increasing contract amount from \$7,000 to \$10,000 and Amending Resolution #05-050 – Authorizing Payment of the funds to said subgrantee.

APPROVAL OF MINUTES

Upon motion by Mr. Regan, seconded by Mr. Sumter, the minutes of the Work Session/Regular Meeting of February 22, 2005 were approved as submitted as follows upon call of the roll:

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

APPROVAL OF WARRANTS

Mayor Levine presented the following warrants in the amount of \$2,112,143.66 for March 8, 2005 to the Township Council for payment:

1	Current	1,216,221.39
5	Water Operating	110,464.78
6	Water Capital	8,600.00
4	General Capital	424,566.00
15	General Trust	19,052.33
18	Self Insurance Trust	6,340.00
21	Recreation Trust	4,908.80
12	Open Space Trust	228.99
2	Grant	18,625.97
26	Affordable Housing	1000.00
3	Collector Trust	51,492.55
23	Agency	250,642.85
	Sub-Total	2,112,143.66
	Grand Total	2,112,143.66

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

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

ORDINANCES, PUBLIC HEARING & ADOPTION

Ordinance No. 3527

Mayor Levine offered the following ordinance:

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, SOMERSET COUNTY, NEW JERSEY, MORE PARTICULARLY CHAPTER 3, ADMINISTRATION OF GOVERNMENT – ARTICLE VI, PUBLIC HEALTH; ADVISORY BOARD OF HEALTH; BOARD OF HEALTH - SECTION 3-50, ADVISORY BOARD OF HEALTH BY ADDING AN ABSENTEEISM POLICY FOR ADVISORY BOARD OF HEALTH MEMBERS

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

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

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

Courtney Throckmorton, 591 Somerset Street, stated that Mr. Chivukula had once proposed an absentee policy for all the boards and commissions. He asked if this policy was for all boards or just the Board of Health., A brief discussion ensued regarding absentee policies

for boards and commissions. Mr. Regan recommended a survey of absentee policies of the various boards and commissions. Mr. Rainone replied this ordinance is for the Advisory Board of Health. He stated that some boards and commissions have policies, others do not.

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

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

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

Ordinance No. 3531

Mayor Levine offered the following ordinance:

AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 226 - VEHICLES AND TRAFFIC, SECTION 226-30 (ON STREET HANDICAPPED PARKING SPACE (DELETE 158 VICTOR STREET & ADD 198 PHILLIPS ROAD, APT. 159 & 15 PARKSIDE STREET))

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

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

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

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

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

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

Ordinance No. 3532

Mayor Levine offered the following ordinance:

AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY CONSENTING TO EASEMENT ENCROACHMENT IN CONNECTION WITH BLOCK 517.01, LOT 2.13 LOCATED AT THE SOUTHEAST CORNER OF RANDOLPH ROAD AND PIERCE STREET

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

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

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

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

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

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

RESOLUTION – PUBLIC HEARING

Resolution #05-089 Release/Amend Deed Restriction (Alfred Schnug – Block 287.02/Lot 17.01 – northwest corner of Vikings & Rogers Avenues)

WHEREAS, on November 11, 1998 by resolution, the Franklin Township Council imposed as a condition on the conveyance of property known as Block 287.02, Lots 17.01 that “no dwelling or similar structure shall be erected on the described premises unless said premises are combined with adjoining premises to form a parcel conforming in all respects to the Municipal Zoning Ordinance; and

WHEREAS, application has been made by Alfred Schnug, current owners for a release of said deed restriction based upon the following:

1. The subject lot is located in the R-10 Residential Zone and is considered a corner lot;
2. The combination of Lot 17.01 with Lots 18-20 would serve a more functional purpose for the subdivision of the property as recommended by the Township Planner, Township Zoning Officer and Township Engineer.
3. If the deed restriction is not released, the owners will be deprived of all beneficial use of the property.

WHEREAS, pursuant to N.J.S.A. 40:60-51.2, “Any municipality is authorized and empowered, by resolution of the governing body thereof, to waive, release, modify or subordinate any terms, covenants, conditions, limitations or reverters imposed in sales and conveyances of lands as to the erection, alteration or demolition of buildings or any other use to be made of land heretofore imposed by said municipality to accomplish the purposes for which such lands were sold and conveyed either at public or private sale made prior to January 1, 1990, but only after public hearing held before such governing body, of the holding of which notice describing the lands in question, and the terms, covenants, conditions, limitations or reverters to be waived, released, modified or subordinated, and, if to be modified or subordinated, describing the manner in which the same shall be modified or subordinated, shall first have been given by advertisement published once each week for two weeks in a newspaper published in said municipality or, if no newspaper be published therein, then in a newspaper circulating in such municipality, provided, however, that the power herein granted shall not be exercised to impair any vested or contractual rights of third parties.”

WHEREAS, notice in accordance with N.J.S.A. 40:60-51.1 has been duly given; and

WHEREAS, the Township Council held a public hearing on March 8, 2005 and no person appeared in opposition thereto;

NOW, THEREFORE, BE IT RESOLVED, on this 8th day of March, 2005 by the Township Council of the Township of Franklin, County of Somerset, State of New Jersey that the Mayor and Clerk be and the same are hereby authorized and directed to execute a deed releasing the aforesaid premises from the provisions of said covenant.

BE IT RESOLVED that further subdivision of these consolidated lots is not allowed.

Mayor Levine stated that this resolution pursuant to NJSA 40:40-51.1 was published once each week for two weeks in The Courier News, the official newspaper of the Township. The Township Attorney has approved the Affidavits of Publication and a public hearing is in order.

Mayor Levine stated this matter was discussed previously by Council and sent back to the Planning Board. Mr. Rainone explained this was a request from the Planning Board to lift the deed restriction on lot 17.01 and combine it was lots 18-20 to create a more reasonable lot. Mr. Rainone stated that this is not one of the usual requests to lift deed restrictions. The other requests were to build a house on a lot. Even if this request is denied, a house would still be built. Mr. Rainone explained “isolated lot” cases. Mayor Levine stated agreed that this is not a traditional request and the combining of this lot with lots 18-20 would be a better configuration. Ms. Danile stated that the lot is ten (10) feet on one side and fifty (50) feet on the other side.

Mr. Regan moved to open the meeting for a public hearing on Resolution #05-089. Said motion was seconded by Mr. Chivukula and carried unanimously upon call of the roll.

Mayor Levine stated that the meeting is open for public discussion on Resolution #05-089 He stated that anyone interested in speaking to raise their hand and when recognized, state your name and address.

There being no comments by the public, Mr. Sumter moved to close the public hearing on Resolution #05-089. Said motion was seconded by Mr. Chivukula and carried unanimously upon call of the roll.

Mr. Chivukula moved the adoption of Resolution #05-089. Said motion was seconded by Mr. Regan and carried as follows upon call of the roll:

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

PUBLIC DISCUSSION

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

Tim Symborski, 1118 Easton Avenue, commended and thanked Mr. Chivukula for all his help to he and his mother in pursuing 100% disability for his father for property tax exemption. He presented a letter and flag to Mr. Chivukula.

Lucretia Cortelyou, 1892 Amwell Road, stated that Mr. Sumter's February 22nd comments regarding Mr. Throckmorton were inappropriate and that he owes Mr. Throckmorton an apology.

Philip Kramer, 429 Canal Road, TUF, expressed his hope that the special events that are to be issued special event permits conform to the sign ordinance regulations. Mr. Kramer expressed his disappointment of Mr. Sumter's February comments regarding Mr. Throckmorton and his disappointment of Council members who did not speak to stop him.

Mr. Sumter responded by stating that others do not know how Mr. Throckmorton has treated him and that he is not lying.

Jim Vassenella, 39 Austin Avenue, thanked the Township for the two evening hours per month. He asked if the Township is obligated to contract their recycling with Somerset County or could they contract it with another vendor. Mr. Daly stated the contract is renewed yearly and that Public Works looks at all alternatives and Somerset County is the best option. He stated that recycling was discussed at the Council Retreat as part of the solid waste issue. Mr. Vassenella gave photographs to Council of different types of handicap and parking signs used in other municipalities.

Brian St. Rose, 45 Blaine Street, asked why the Township contracts out the janitorial services of municipal buildings and not use Public Works employees. Mr. Daly replied that the Township only has two (2) custodians and they clean the municipal buildings. He stated that it is cheaper to contract out the janitorial services than to do it in-house.

Mr. St. Rose asked for more police protection in his neighborhood because of the issues of Block 123 and noted that there is a washer in the middle of Blaine Street. He asked if his street could have street humps. Mr. Daly replied that stop signs are being installed to decrease the speeding on his street. Mr. St. Rose stated that he has received threats regarding Block 123 and has spoken with Captain Roberts. Mr. Daly stated he would follow up on this matter.

Courtney Throckmorton, 591 Somerset Street, thanked Mr. Chivukula for supporting Block 123. Mr. Throckmorton stated that he has been alerting Council of the problems with the redevelopers since September 2004. He stated that this project has been going on for five (5) years and nothing has been accomplished. He asked that the power be given back to the people. He stated that by Council remaining silent during Mr. Sumter's February 22nd comments, they were endorsing his comments. Mr. Throckmorton stated that Mr. Sumter should not be elected for another term. He stated that the Redevelopment Agency should be dissolved.

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

COUNCIL COMMENTS

Mr. Sumter continued to make negative comments regarding Mr. Throckmorton. Ms. Ritchie made a point of privilege and asked that the Council meeting not be used as a forum for personal attacks against one another and the public. She asked that the Mayor keep order of the meeting and Mayor Levine agreed.

Ms. Eberle reported on the Advisory Board of Health meeting. She stated that they would like to come to a meeting to make a health educational presentation to fulfill Council's obligation as the Board of Health. Ms. Eberle reported she read to the students at Franklin Park School. She stated that the Kingston Joint Advisory Committee is working with the Recreation Director regarding use of the old Kingston School. Ms. Eberle asked that the "Entering South Brunswick" sign on Route 27 be moved to the other side because it is on the Franklin side.

Mr. Regan supported Ms. Eberle's comments regarding the health presentation and noted that the Board of Health needs to increase its educational scoring and that it could be a discussion item and would only take 15-20 minutes. Mr. Regan reported that he read at Hillcrest School and that it was a great experience. He reported that he attended Fire District No. 1's Award Dinner. He commended the Fire Department and noted that two awards were given to two individuals who responded to over 5000 calls in their careers. Mr. Regan reported that he attended the Eagle Scout Ceremony of Joe Alfred and in connection with honoring the Girl Scouts, it shows the positives of scouting. Mr. Regan responded to Mr. Kramer's comments and that respect is a two-way street and Council and the public should try not to single one person out. He stated that a healthy and respectful discussion of Block 123 can be held.

Ms. Ashley-Williams agreed that the personal attacks should not take place during the Council meeting. She stated that Council welcomes the news, views and comments of the public. She stated that she is glad that stop signs are being installed for speeding in Mr. St. Rose's neighborhood. She asked that Mr. Daly follow up on the threats Mr. St. Rose stated he is receiving.

Ms. Ashley-Williams recommended that "Committee Reports" be added to the second meeting of the month agenda. She stated that last night's Redevelopment Meeting was a good meeting and they received the redeveloper's intention to pull out of the project. She stated that the project needs to move forward and better planning is needed. She stated that letters have been sent out to prospective redevelopers.

Ms. Danile stated that she also read at Hillcrest School and it was an enjoyable event. She commended public school teachers. She stated that she does not like to see Council members admonish one another and they should be working together and respect one another. She stated that since the redevelopment plan will have to re-start with another redeveloper, it should be reviewed since many things have changed since the plan was first devised. She stated that the residents of Block 123 need to be considered.

Mr. Chivukula agreed that Council meetings need civility. He stated that it is their responsibility to listen to the residents and they should not be insulting one another or the public. He commended Reverend Soaries for his vision on improving the area. He stated that the Redevelopment Agency and/or Council should see how the residents could improve their own properties without redevelopment. He stated that the state, municipal and school budgets will be tough this year. Mr. Chivukula reported that he read at five (5) schools in (3) towns. He announced that there will be a interfaith prayer service/cultural service of those countries affected by the tsunami on March 29th at 7:30 p.m. at the Continental Area. People can contact Mr. Chivukula at his office for further details.

Ms. Ritchie agreed with most of Council's comments this evening. She stated that it is just a matter of good behavior and manners. She stated that she read at Hillcrest School.

Mayor Levine agreed with Ms. Ashley-Williams regarding having committee reports listed on the second meeting of the month's agenda and rotating different committees to make reports. He thanked Ms. Ritchie for her comments regarding personal attacks at Council meetings. He asked that Council and the public refrain from negative comments of non-public figures and that everyone respect one another.

INTRODUCTION OF NEW ORDINANCES

Ordinance No. 3535

Mayor Levine presented the following ordinance:

AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY AUTHORIZING ACCEPTANCE FROM CAL-STERLING FRANKLIN, LLC OF WATER LINE & SANITARY SEWER EASEMENT; DEED OF DEDICATION; SEVEN (7) UTILITY EASEMENTS; THREE (3) CONSERVATION EASEMENTS; THREE (3) DRAINAGE EASEMENTS; ACCESS EASEMENT AND DEED FOR BLOCK 507, LOT 27 – WESTON ROAD AND CEDAR GROVE LANE.

Mayor Levine stated that the foregoing ordinance is presented to the Township Council for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on April 12, 2005.

Mr. Chivukula moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on April 12, 2005. Said motion was seconded by Ms. Danile and carried as follows upon call of the roll:

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

Ordinance No. 3536

Mayor Levine presented the following ordinance:

AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, AUTHORIZING ACCEPTANCE OF DEED DEDICATION – SCHOOLHOUSE ROAD (LOT 7, BLOCK 513.01) – CANAL WALK ASSOCIATES, LLC.

Mayor Levine stated that the foregoing ordinance is presented to the Township Council for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on April 12, 2005.

Ms. Danile moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on April 12, 2005. Said motion was seconded by Mr. Sumter and carried as follows upon call of the roll:

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

Ordinance No. 3537

Mayor Levine presented the following ordinance:

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, MOR PARTICULARLY CHAPTER 112, DEVELOPMENT – SECTION 112-32.02, DEVELOPMENT FEES FOR AFFORDABLE HOUSING.

Mayor Levine stated that the foregoing ordinance is presented to the Township Council for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on April 12, 2005.

Mr. Chivukula moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on April 12, 2005. Said motion was seconded by Ms. Danile and carried as follows upon call of the roll:

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

Ordinance No. 3538

Mayor Levine presented the following ordinance:

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

Mayor Levine stated that the foregoing ordinance is presented to the Township Council for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on April 12, 2005.

Ms. Danile moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on April 12, 2005. Said motion was seconded by Mr. Sumter and carried as follows upon call of the roll:

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

Ordinance No. 3539

Mayor Levine presented the following ordinance:

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL EQUIPMENT AND IMPROVEMENTS, BY AND IN THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$58,800 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$56,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COSTS THEREOF

Mayor Levine stated that the foregoing ordinance is presented to the Township Council for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on March 22, 2005.

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

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

Mr. Chivukula asked if there was enough time to publish the ordinance for a public hearing on March 22, 2005. Ms. McCarthy stated that it would be published in the March 10th edition of the Courier News. Mr. Rainone stated that was enough time because you need 7 days prior to the public hearing.

CONSENT AGENDA

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

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

Resolution #05-090 Rescind Contract with Twice as Clean Maintenance for Janitorial Services of Municipal Buildings (07/01/04-06/30/05) for non-performance of contract specifications.

WHEREAS, on May 25, 2004, Twice as Clean Maintenance, LLC was awarded a contract for janitorial services of the Public Safety Building/DPW Building/Community-Senior Center for the period of July 1, 2004 through June 30, 2005 in an amount not to exceed \$40,000.00; and

WHEREAS, since the start of the contract, the company has repeatedly failed to comply with its contract specifications, including, but not limited to non-performance; and

WHEREAS, according to the specifications, the Township may cancel the contract for non-performance with 30-day written notice; and

WHEREAS, certified and regular letters were sent on February 8, 2005 notifying the vendor of the Township's intent to rescind the contract;

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

1. The contract with Twice As Clean Maintenance, LLC for janitorial services of the Public Safety/DPW Building and Community-Senior Center for the period of July 1, 2004 to June 30, 2005 in an amount not to exceed \$40,000 is hereby rescinded;
2. The vendor, Twice As Clean Maintenance, LLC will not be allowed to bid on any Township contracts for a period of five (5) years.

Resolution #05-091 Award Contract with PM Systems for Janitorial Services for the Public Safety Building through June 2005 or until a contract is in place in an amount not to exceed \$10,608.00.

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: PM Systems
 PO Box 6853/387 Rt. 28
 Bridgewater, NJ 08807

ITEMS: Cleaning of Public Safety Building through June, 2005 or until new contract is in place

COST: Not to exceed \$10,608.00

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

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

Resolution #05-092 Support New Jersey Department of Transportation Amended Proposed Improvements to Route 27/Renaissance 2000 Project between the intersection of Bennetts Lane in Franklin Township and the intersection of Somerset Street, French Street and Main Street in New Brunswick.

WHEREAS, the New Jersey Department of Transportation (NJDOT) has conducted the Route 27 Renaissance 2000 Corridor Study and made recommendations for improvements along Route 27 between Bennetts Lane in Franklin Township and the intersection of Somerset Street, French Street and Main Street in New Brunswick; and

WHEREAS, the main objective of this project is to provide congestion relief along Route 27 through the redesign or reconfiguration of the seven (7) signalized intersections on Route 27, from Bennetts Lane in Franklin Township and the intersection of Somerset Street, French Street and Main Street in New Brunswick; and

WHEREAS, the New Jersey Department of Transportation (NJDOT) has proposed the following improvements at the seven signalized intersections:

Route 27 at Bennetts Lane

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

Route 27 at How Lane/Veronica Avenue

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

tanks at the Exxon in the northeast quadrant will need to be further investigated during Preliminary Design. The driveway to Veronica's Plaza, a residence and the golf center along Route 27 southbound will be adjusted to accommodate the extension of the through-right turn lane. The Route 27 northbound approach provides two through lanes, and will require a taper north of the intersection to transition to the three lane cross-section.

Route 27 at Franklin Boulevard/Oliver Avenue

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

Route 27 at Van Dyke Avenue/Irving Street

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

Route 27 at Quentin Avenue/Juliet Avenue

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

Route 27 at Douglas Avenue

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

Route 27 at Somerset Street/French Street/Main Street

A pedestrian crosswalk is proposed.

WHEREAS, the Township Council is of the opinion that the public interest would be best served by the implementation of the aforesaid proposed improvements; and

WHEREAS, the Township Council encourages the New Jersey Department of Transportation (NJDOT) to seriously consider the comments and suggestions received from Franklin Township residents and staff received at previous and future public information meetings;

NOW, THEREFORE, BE IT RESOLVED this 8th day of March 2005 by the Township Council of the Township of Franklin, County of Somerset, New Jersey does hereby support the proposed improvements prepared by the New Jersey Department of Transportation for the Route 27 Renaissance 2000 Project.

Resolution #05-093 Authorizing the Submission of an Amendment to the Annual Action Plan (CDBG) pursuant to the Requirements of Federal Regulation 24 CFR Part 91.

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

WHEREAS, the Township of Franklin is an entitlement city 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 2003 Annual Action Plan following publication of the proposal to provide for the following program changes:

Earth House Bathroom Renovations	Budgeted:	\$ 9,300
	Amended:	\$ 15,300
Building Demolition (2 Structures) In Redevelopment Zone	Budgeted:	\$ 30,000
	Amended:	\$ 17,000
Housing Rehabilitation Deferred Loan Program And Administration	Budgeted:	\$100,000
	Amended:	\$107,000

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of Franklin, in the County of Somerset, New Jersey that the Mayor be and is authorized and directed to submit the Township Franklin's amendment to the 2003 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 each of the following:

US Department of Housing and Urban Development
Chief Financial Officer
Grants Coordinator

Resolution #05-094 Supporting the Community Development Program and Urging Congress to Restore its Funding.

WHEREAS, the Community Development Block Grant (CDBG) program was enacted, and signed into law by President Gerald Ford, as the centerpiece of the Housing and Community Development Act of 1974; and

WHEREAS, the CDBG program has as its primary objective "... the development of viable urban communities, by providing decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low and moderate income;" and

WHEREAS, the CDBG program has considerable flexibility to allow communities to carry out activities that are tailored to their unique affordable housing and neighborhood revitalization needs; and

WHEREAS, throughout its 30-year history, the CDBG program has been a partnership among the federal, state and local governments, business, and the nonprofit sector which carry out activities that improve the lives and neighborhoods of low and moderate income families; and

WHEREAS, according to the Department of Housing and Urban Development (HUD), in FY 2004 CDBG provided funds for thousands of activities, assisting over 23 million persons and households through such activities as expanding homeownership activities, eliminating slums and blighting influences, improving infrastructure such as roads, water and sewer systems, libraries, community centers, adult day care and after school care for children, homeless housing facilities, employment training, transportation services, crime awareness, and business and job creation; and

WHEREAS, the Township of Franklin uses CDBG funds in the amount of \$388,000 for housing rehabilitation loans to low and moderate income homeowners and other beneficial activities; and

WHEREAS, the President's FY 2006 budget proposes to completely eliminate the CDBG program; and

WHEREAS, should such a proposal be enacted, it would have a devastating effect on Township of Franklin's CDBG program;

NOW, THEREFORE, BE IT RESOLVED, that the Franklin Township Council hereby calls on the Congress to preserve the Community Development Block Grant (CDBG) Program within the Department of Housing and Urban Development and provide a FY 2006 funding of at least \$4.7 billion overall, with no less than \$4.35 billion in *formula funding*.

Resolution #05-096 Authorize Grant Application – Somerset County Economic Development Incentive Program (EDIP) – Development Incentive Fund - \$150,000 – provide funds for professional assistance to implement projects in redevelopment and Hamilton Street Business areas.

BE IT AND IT IS HEREBY RESOLVED that the Township Council of the Township of Franklin, County of Somerset, State of New Jersey does hereby authorize the submission of a grant application to the Somerset County Development Incentive Grant Program – Development Incentive Fund in the amount of \$150,000 to provide funds for professional assistance to implement projects in redevelopment and Hamilton Street Business areas and does authorize the appropriate Township official to execute this grant application on its behalf.

Resolution #05-097 Authorize Grant Application – Somerset County Economic Development Incentive Program (EDIP) – Façade Improvement Program - \$150,000 – provide matching funds for exterior improvements to businesses located on Hamilton Street and the Redevelopment Area.

BE IT AND IT IS HEREBY RESOLVED that the Township Council of the Township of Franklin, County of Somerset, State of New Jersey does hereby authorize the submission of a grant application to the Somerset County Development Incentive Grant Program – Façade Improvement Program in the amount of \$150,000 to provide funds for exterior improvements to businesses located in Redevelopment Area and Hamilton and does authorize the appropriate Township official to execute this grant application on its behalf.

Resolution #05-099 Authorize Issuance of Raffle Licenses.

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

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

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

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

INSURANCE CO./BANK: International Fidelity Insurance Company
One Newark Center Newark, NJ 07102

IN THE AMOUNT OF: \$144,496.80

FOR: Site Improvements – Block 423.01/Lot 17.01 – Wilson Road; and

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

WHEREAS, the Township Engineer, after inspection, recommends release of the aforesaid Performance Guarantee subject to receipt of a two (2) year Maintenance Bond in the amount of \$21,674.52; and

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

Street

Michelangelo Court

WHEREAS, said roads or portion of roads have been duly inspected by the Township Engineer and the Director of Public Works and determined to be in conformity with applicable Township standards, and said persons have recommended acceptance of such roads or portion of roads as municipal roads;

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

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

Resolution #05-102 Authorize Release of Performance Guarantee – SKN Builders - \$15,024.00
– Block 286, Lots 1-6, Belmar Street – P99014SPF.

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

ITEM: Performance Bond

NAME OF APPLICANT: SKN Builders (c/o Nick Keyhas)
ADDRESS OF APPLICANT: PO Box 98, Somerset, NJ 08875

NUMBER: S05169
INSURANCE CO./BANK: First Indemnity of America
IN THE AMOUNT OF: \$15,024.00

FOR: Site Improvements (If needed) 0 Block 286/Lot 1-6 – Belmar Street

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

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

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

Resolution #05-103 Authorize Issuance of Special Events Permit – Franklin Township Food Bank – 16th Annual Tour de Franklin – Sunday, April 24, 2005 – 6am to 3 pm.

WHEREAS, a request has been received from Franklin Township Food Bank for permission to have activities in conjunction with the Tour de Franklin on April 24, 2005 between 6:00 a.m. and 3:00 p.m. to be conducted within the Community Senior Center Parking Lot; and,

WHEREAS, Franklin Township Food Bank has requested that the Permit Fee of \$125.00 be waived since they represent a non-profit organization; and,

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset, New Jersey, that permission is hereby granted to Franklin Township Food Bank to have activities in conjunction with the Tour de Franklin on April 24, 2005 between 6:00 a.m. and 3:00 p.m. to be conducted within the Community Senior Center Parking Lot, 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 in accordance with Section 97-6 (e) of the Township Code that there shall be deposited with the Township Clerk a cash deposit, money order, certified check or treasurer's check in the amount of \$300.00 to guarantee the maintenance of the premises on which the applied for activity is to be conducted; and,

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

Resolution #05-104 Authorize Issuance of Special Events Permit – Second Chance for Animals, Inc. – Benefit Walk for the Animal Shelter – Sunday, May 1, 2005 – 1pm to 4 pm.

WHEREAS, a request has been received from for permission to have a Benefit Walk for the Animal Shelton on Sunday, May 1, 2005 (Rain Date Sunday, May 15) at 1:00 pm, to be conducted a benefit walk starting at the Franklin Township Animal Shelter to public field on New Brunswick Road at Hexham Intersection and back (3.0 miles); and

WHEREAS, Second Chance for Animals, Incorporated has requested that the Permit Fee of \$125.00 be waived since they represent a non-profit organization; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset, New Jersey, that permission is hereby granted to Second Chance for Animals, Incorporated to conduct benefit walk starting at the Franklin Township Animal Shelter to public field on New Brunswick Road at Hexham Intersection and back (3.0 miles) on Sunday, May 1, 2005 (Rain Date Sunday, May 15) at 1:00 pm, subject to compliance with the requirements of Township Officials, including but not limited to the Chief of Police and Director of Fire Prevention; and

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

Resolution #05-105 Authorize Issuance of Special Events Permit – St. Matthias Church – Annual Carnival – Tuesday, May 10, 2005 thru Sunday, May 15, 2005 – Tuesday-Friday – 5pm – 10pm; Saturday – 2 pm – 10pm; Sunday – 2pm – 9pm.

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

Tuesday,	May 11;	Wednesday, May 11;	
Thursday,	May 12 & Friday,	May 13	6:00 to 10:00 pm
Saturday,	May 14		2:00 to 10:00 pm
Sunday,	May 15		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, Zoning Officer, Director of Health and Director of Fire Prevention; and

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

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

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

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

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

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

Resolution #05-106 Authorize FY03 Juvenile Accountability Incentive Block Grant in the amount of \$8517 (cash match of \$946) to provide funding for a part-time counselor for ARISE Program and substance abuse counseling services.

BE IT RESOLVED by the Township Council of the Township of Franklin in the County of Somerset and State of New Jersey does hereby authorize the Mayor and Township Clerk to sign Grant Agreement with the New Jersey Department of Law & Public Safety for the Juvenile Accountability Incentive Block Grant. The funding will be used to support the ARISE Program, Substance Abuse Treatment Services, in the amount of \$8517.00/\$946.00 Township Match for a total of \$9643.00

Resolution #05-107 Authorize Insertion in Budget (Chapter 159) - FY03 Juvenile Accountability Incentive Block Grant in the amount of \$8517 cash match of \$946) to provide funding for a part-time counselor for ARISE Program and substance abuse counseling services.

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 **\$8517.00 with \$946.00 match** for JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT and wishes to amend its **2005** 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 **2005** in the sum of **\$8517.00** which is now available as revenue from:

JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT

BE IT FURTHER RESOLVED that a like sum of **\$8517.00**, for JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT be and the same is hereby appropriated under the caption of:

JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT

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

Resolution #05-108 Authorize Release of Certain 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: KF SCHOOLHOUSE
ADDRESS: 520 Highway 22, PO Box 6872
Bridgewater NJ 08807

DOCKET NO: PLN 2003-0022
BLOCK/LOT: 514/6.03
LOCATION: 60 Schoolhouse Road
AMOUNT DEPOSITED: \$9,126.38
AMOUNT CHARGED: 7,885.00
AMOUNT TO BE REFUNDED: \$1,241.38

APPLICANT: SKILLMAN ASSOCIATES

ADDRESS: 3 Laird Terrace
Somerset NJ 08873

DOCKET NO: PLN 2004-0015
BLOCK/LOT: 57.01/22.01
LOCATION: 481 Skillman Lane
AMOUNT DEPOSITED: \$2,800.00 CME \$2,000.00 Heyer \$200.00 In-House
AMOUNT CHARGED: 2,470.00 910.00 160.00
AMOUNT TO BE REFUNDED: \$ 330.00 \$1,090.00 40.00

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

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

Resolution #05-109 Authorize Release of Certain Planning/Building Review Escrow.

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: THE BOC GROUP, INCORPORATED

ADDRESS: 575 Mountain Avenue
Murray Hill NJ 07974

DOCKET NO: PLN2002-0006
BLOCK/LOT: 528.04/130
LOCATION: Howard Avenue
AMOUNT DEPOSITED: \$400.00 K&K/Planning \$1,600.00 Plan Review
AMOUNT CHARGED: 312.50 962.50
AMOUNT TO BE REFUNDED: \$ 87.50 \$ 637.50

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

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

Resolution #05-110 Authorize Tax Title Lien Redemption – Outside Buyers.

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

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

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

Date of Sale: June 10, 1999
Block/Lot: 34.04/8.01
Name & Address: Severe, JPJ
 83 Pear Tree Lane
 Franklin Park NJ 08823
Amount: \$153.20
Make Check Payable To: Herbert Sehgel
 PO Box 284
 Kingston NJ 08528
Certificate No.: 99-163
Payment Received: February 23, 2005

Date of Sale: June 30, 2003
Payment Received: February 11, 2005

Date of Sale: June 30, 2003
Block/Lot: 102/16
Name & Address: Hullett, J.E. & L.D.
 100 Churchill Avenue
 Somerset NJ 08873
Amount: \$16,604.96
Make Check Payable To: Sequoia Investment
 PO Box 5600
 Woodbridge NJ 07095
Certificate No.: 03-254
Payment Received: February 16, 2005

Date of Sale: June 8, 2000
Block/Lot: 233/15
Name & Address: Brimage, George & Katherine
 15 Georges Road
 New Brunswick NJ 08901
 (30 Norma Avenue)
Amount: \$2,914.99
Make Check Payable To: Herbert Sehgel
 PO Box 284

Kingston NJ 08528

Certificate No.: 20-236

Payment Received: February 18, 2005

Date of Sale: June 7, 2001

Block/Lot: 233/15

Name & Address: Brimage, George & Katherine
15 Georges Road
New Brunswick NJ 08901
(30 Norma Avenue)

Amount: \$7,973.84

Make Check Payable To: Wachovia CT/M.D. SASS
123Broad Street, PA1328S
Philadelphia PA 19109

Certificate No.: 01-224

Payment Received: February 18, 2005

Date of Sale: June 13, 2002

Block/Lot: 117/1

Resolution #05-111 Accept Resignation of Willis Sumter from Youth Services Commission.

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 Willis Sumter as Council Representative to the Youth Services Commission, effective immediately.

Appointment Ellen Ritchie as Council Representative to the Youth Services Commission for an unexpired one-year term ending 12/31/05.

Resolution #05-112 Reschedule Public Hearing and Further Consideration of Ordinance #3520 to March 22, 2005.

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

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

WHEREAS, the public hearing was scheduled for March 8, 2005 at 7:00 p.m. by Resolution adopted February 22, 2005 by the Franklin Township Council; and

WHEREAS, the Township Clerk directed The Courier News Legal Ads Department to public said ad in the newspaper as required by law; and

WHEREAS, the public hearing legal ad for Ordinance No. 3520 did not appear in the newspaper as directed and required, therefore the public hearing cannot be held; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, Somerset County, New Jersey that further consideration and public hearing for Ordinance No. 3520 is re-scheduled for the Work Session/Regular Meeting of the Township Council to be held on Tuesday, March 22, 2005 at 7:00 p.m.

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

RESOLUTIONS TO BE CONSIDERED SEPARATELY

Upon motion by Ms. Danile, seconded by Mr. Sumter, the following resolutions were adopted as follows upon call of the roll:

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

Resolution #05-095 Authorize Grant Application – Somerset County Home Program – in support of application in partnership with Habitat for Humanity to purchase homes in foreclosure for purchase by low income homeowners to meet COAH Credit Requirements.

BE IT AND IT IS HEREBY RESOLVED that the Township Council of the Township of Franklin does hereby authorize the application to the Somerset County HOME Program in partnership with Habitat for Humanity to purchase homes in foreclosure for purchase by low income homeowners to meet COAH credit requirements.

Resolution #05-098 Amend Resolution #04-490 – Authorizing Somerset County Coalition on Affordable Housing Counseling Contract by increasing contract amount from \$7,000 to \$10,000 and Amending Resolution #05-050 – Authorizing Payment of the funds to said subgrantee.

WHEREAS, on November 9, 2004, the Township Council adopted Resolution #04-490 entitled, “Resolution – Authorize Sub-Grantee Agreement – 2004 CDNG – Somerset County Coalition for Affordable Housing – Housing Counseling in the amount of \$7,000”; and

WHEREAS, on January 11, 2005, the Township Council adopted Resolution #05-050 entitled, “Resolution Authorizing Payment of Community Development Block Grant Subgrant Agreements with HUD 2004”; and

WHEREAS, the contract for the Somerset County Coalition on Affordable Housing Counseling amount was incorrect and should be \$10,000;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset, State of New Jersey that Resolutions #04-090 and #05-050 are hereby amended as follows:

Resolution #04-490

- Authorize the Mayor and Township Clerk to execute on its behalf an agreement with Somerset County Coalition for Affordable Housing for the CDBG Project for Housing Counseling in the amount of \$10,000.00;

A. Resolution #05-050

- Authorize payment of the funds to the following subgrantee:

**Somerset County Coalition on Affordable Housing
600 First Avenue, Raritan, NJ 08869
Housing Counseling in the amount of \$10,000.00**

ADJOURNMENT

Deputy Mayor McKenzie distributed to the Township Council a listing of the new standing committees. He asked that each Council member choose two committees and note any they would like to be the lead on. These forms should be submitted to the Township Clerk prior to the weekend for the Friday packet.

Ms. Danile moved to adjourn the meeting at 10:31 p.m. Said motion was seconded by Ms. Ashley-Williams and carried unanimously upon call of the roll.

Approved: *As Amended.*

Brian D, Levine, Mayor

Date: *March 22, 2005*

Ann Marie McCarthy, Township Clerk