

**WORK SESSION/REGULAR MEETING OF THE TOWNSHIP COUNCIL**  
**TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, NEW JERSEY**  
**APRIL 22, 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 7:05 P.M.

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

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

The invocation was given by Councilman Brian Levine.

The Acting Township Clerk called the roll.

Present: Mayor Sumter, Deputy Mayor Grippo, Mr. Chivukula, Ms. Eberle, Mr. Levine, Mr. McKenzie. Ms. Barrier and Mr. Mettler were not present at roll call but arrived shortly thereafter.

Absent: Mr. Mazzola

Also Present: Louis N. Rainone, Esq., Township Attorney, Marc D. Dashield, Assistant Township Manager/Acting Township Clerk, LaVern Staten Sanders, Deputy Township Clerk

**5. COMMENDATION – ADMINISTRATIVE PROFESSIONAL DAY/WEEK**

**Read by Deputy Mayor Grippo**

**WHEREAS**, Administrative professionals including secretaries, administrative assistants, office managers and other administrative support staff represent one of the largest segments of the world's workforce; and

**WHEREAS**, Administrative professionals are those who master technology, effectively utilize their interpersonal and communication skills; manage projects and organize the office; apply their creativity to solve problems; and most importantly, have the willingness to learn and accept new challenges; and

**WHEREAS**, Administrative professionals are vital contributors in today's team-oriented work environment and are key front-line public relations ambassadors for their organizations; and

**WHEREAS**, Companies and organizations that invest in training and development and make a commitment toward delegating responsibilities that better utilize the skills of their administrative employees will have the best opportunity to excel in the 21<sup>st</sup> century and beyond; and

**WHEREAS**, The Year 2003 marks the 51<sup>st</sup> annual observance of Administrative Professionals Week, formerly known as National Secretaries Week, which was founded in 1952 to recognize the contributions of secretaries and other office support staff in business and government and to attract people to secretarial careers; and

**WHEREAS**, Administrative Professionals Week is sponsored by the International Association of Administrative Professionals and is celebrated worldwide, bringing together millions of people for various community events, educational seminars, and individual corporate activities;

**NOW, THEREFORE, I, MAYOR, WILLIS "RICKEY" SUMTER**, on behalf of the Township Council of the Township of Franklin, in the County of Somerset and State of New Jersey, do hereby proclaim **April 20-26, 2003 as "ADMINISTRATIVE PROFESSIONALS WEEK"**, saluting the valuable contributions of administrative professionals in the workplace.

The Proclamation was accepted by Lisa K. Rahman

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**PROCLAMATION – FRANKLIN TOWNSHIP TOUR DE FRANKLIN DAY**

**Read by Deputy Mayor Grippo**

**WHEREAS**, the Franklin Township Food Bank's mission and purpose is to help address the food needs of Franklin Township residents who are in need of food, and to do so at no cost to them; and

**WHEREAS**, Franklin Township Food Bank carries out this purpose by asking local individuals, houses of worship, schools, non-profit groups, businesses and professionals for donations of food staples and money for supplemental food purchases; packaging donated and purchased food into types and quantities suitable for various family/household sizes; and distributing the packages to people in need who come to their facility; and

**WHEREAS**, Franklin Township Food Bank performs its mission five days per week, 52 weeks per year, through the efforts of numerous devoted volunteers supervised by a few part-time paid employees; and

**WHEREAS**, Franklin Township Food Bank is holding its 13<sup>th</sup> Annual Tour De Franklin to raise funds for purchasing food;

**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, commemorate Tour De Franklin and do hereby proclaim **SUNDAY, APRIL 27, 2003 as**

**"FRANKLIN TOWNSHIP TOUR De FRANKLIN DAY"**

and call upon the people of Franklin to support by participating and contributing throughout the year to the Food Bank.

The Proclamation was presented to Jean C. Pellicane, Franklin Food Bank Board of Directors.

**PROCLAMATION – FIBRODYSPLASIA OSSIFICANS PROGRESSIVA AWARENESS MONTH**

**Read by Deputy Mayor Grippo**

**WHEREAS**, bone and joint impairments are the number-one chronic condition reported to physicians and are the leading cause of physical disability and severe long-term pain, affecting one in every seven Americans; and

**WHEREAS**, one of the rarest musculoskeletal conditions in Fibrodysplasia Ossificans Progressiva (FOP), a disease in which normal bone forms in muscles and connective tissue, forming an extra skeleton that immobilizes the body; and

**WHEREAS**, the systems of FOP usually begin in the first or second decade of life, with most patients diagnosed by the age of ten (10), depriving children of normal development; and

**WHEREAS**, it is estimated that FOP affects only 2,500 people worldwide, 200 diagnosed cases in the United States, with twelve (12) in the State of New Jersey; and

**WHEREAS**, the people of Somerset County join together with President George W. Bush and other elected officials here and abroad to increase public awareness of this devastating genetic disorder and to promote research to find the cure for musculoskeletal impairments;

**NOW, THEREFORE, I, WILLIS "RICKEY" SUMTER** of the Township of Franklin, Somerset County, New Jersey on behalf of the Township Council, do hereby proclaim the month of **April 2003 as**

***FIBRODYSPLASIA OSSIFICANS PROGRESSIVA  
AWARENESS MONTH***

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The Proclamation will be forwarded to the organization.

**PROCLAMATION – STAMP OUT SPINAL CORD INJURY WEEK**

**Read by Deputy Mayor Grippo**

**WHEREAS**, to advocate the rights of all people with disabilities and to further the integration of people with disabilities in our society, the Mayor and Township Council of the Township of Franklin join with The United State Postal Service and The Central New Jersey Spinal Cord Association to address that need through enhanced awareness; and

**WHEREAS**, falls and motor vehicle crashes are the leading causes of spinal cord related injuries; and

**WHEREAS**, there are currently 450,000 Americans living with a spinal cord injury and more than 13,000 additional people are injured each year, 323 of those injuries right here in New Jersey. More than half of those injured are between the ages of 16 and 30; and

**WHEREAS**, in most cases of spinal cord injury the injured person exhausts all means of assistance, including health insurance and personal funds; and

**WHEREAS**, we recognize and salute the skills, creativity, and dedication of people working with disabilities and take appreciative note of their commitment; and

**WHEREAS**, we have seen evidence of progress, improved access to employment, public places, commercial facilities, information technology, telecommunications services, housing and schools, many opportunities for improvement still exist; and

**WHEREAS**, we can no longer accept the existence of barriers, whether physical or social, that prevent persons with disabilities from full integration in our society;

**NOW, THEREFORE, I, MAYOR, WILLIS "RICKEY" SUMTER**, on behalf of the Township Council in conjunction with The United State Postal Service and The Central Jersey Spinal Cord Association do declare of the Township of Franklin, County of Somerset and State of New Jersey, do hereby proclaim **April 28 through May 2, 2003 as**

**"STAMP OUT SPINAL CORD INJURY WEEK"**

and ask that the residents of Franklin Township, Somerset County join me in recognizing and valuing the contributions that people with disabilities have made and to commit collectively, through education and awareness to stamp out spinal cord injuries.

The Proclamation will be forwarded to Anthony Fanelli, Postmaster of Somerset Post Office.

**COMMENDATIONS – BLACK HISTORY MONTH VOLUNTEER**

**Read by Deputy Mayor Grippo**

**I, WILLIS "RICKEY" SUMTER, MAYOR OF THE TOWNSHIP OF FRANKLIN IN THE COUNTY OF SOMERSET AND STATE OF NEW JERSEY** do hereby extend to the following individuals appreciation and commendation of the Township Council for their active part in making the February Black History Month Celebration an overwhelming success:

**BLACK HISTORY MONTH COMMITTEE**

Marie Thompson, Program Chairperson  
 Karin Stockwell, Children's Day Chairperson  
 Adrienne Lewis, Children's Day  
 Luz Molina, Children's Day  
 Linda Bailey, Children's Day

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**PROGRAM VOLUNTEERS**

Joseph Daily, Vocalist  
 Tye Husbands, Vocalist  
 Pastor Otis L. Bowden  
 LaVern Egelson, Vocalist  
 Juanita Jackson, Presenter  
 Shellie Mitchell, Presenter

**PROGRAM SUPPORT SERVICES VOLUNTEER**

Lorene Johnson  
 Lorraine Boyd

Commendations were presented to each recipient by Mayor Sumter and Diane Hensley, Community Resources and Services Administrator.

Ms. Hensley invited Council and the audience to join the Volunteers to partake of refreshments. Council determined that the Work Session should be completed before taking a break.

**6. REVIEW PREPARED AGENDA:**

**19. ORDINANCE INTRODUCTION – AMEND CODE – CHAPTER 112, DEVELOPMENT – ARTICLE II, SECTION 112-6, ZONING DISTRICTS, SUBSECTION B, ZONING MAP – PARAGRAPH (2) AMENDMENTS – CHANGE THE ZONING DESIGNATION OF CERTAIN PROPERTY IN ROL ZONE SOUTH AND KINGSTON ENVIRONS**

In response to a question from Mr. Levine, Township Manager Daly noted that the Kingston rezoning was recommended in the 1999 Master Plan. ROL is intended to provide large corporate type development with sewer and water. It was originally proposed when the state intended to run Route 92 from the Turnpike through Franklin Township across the Millstone River. That portion of Route 92 has been abandoned and, with the exception of the Village of Kingston, will not get sewer or water so there is no longer logic to having this area zoned as ROL.

**20 P. GRANT APPLICATION – SOMERSET COUNTY YOUTH ATHLETIC AND RECREATION FACILITY GRANT PROGRAM – ENGINEERING SERVICES SKATE PARK – UP TO \$15,000.00**

Mr. Levine questioned the designation by Somerset County of the \$15,000.00 Grant for “some athletic field” and the decision to use the Grant for the engineering phase of the skate park. Township Manager Daly noted that staff recommended the application of the Grant and, if Council agrees, that is where it will be applied. Mr. Levine expressed his understanding that the skate park was to be self-sustaining

Mr. Levine discussed the use of the \$15,000.00 Grant for a soccer field, athletic field or football field in Middlebush Park. Mr. Levine questioned if the grant could be used to support an activity that more people will use rather than a skate park.

**20L. AWARD CONTRACT – ADVANCE BUILDING MAINTENANCE – JANITORIAL SERVICES – PUBLIC SAFETY & COMMUNITY/SENIOR CENTER – MAY 1, 2003 TO JUNE 31, 2003 – NOT TO EXCEED \$6,124.00**

Mr. Levine questioned if this contract is at the same rate as the prior contract. Township Manager Daly explained that this is an extension of the current contract while the new contract is being bid.

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Council took a short recess at this time to partake of the refreshment which were prepared for the Volunteers of Black History Month Program. All members returned who were present at roll call.

**7. COUNCIL DISCUSSION ITEMS**

a. Stonehenge Detention Basin

Mr. Levine presented background information concerning the Stonehenge Homeowners Association and their concerns with how their detention basin was assessed and consequently taxed. The association believed that they were due a refund on taxes paid since the Township had assessed the basin too high.

Mr. Dashield directed council to memo explaining that the Township was not aware that the property was a detention basin and once it was brought to the tax assessor attention he made an adjustment to the property since was essentially an unbuildable property .

Township Attorney Rainone explained that for Stonehenge to recoup the interest on the tax which was paid they would have to file a tax appeal, which has not been done. Council could take action if the value of the lien is more than the value of the property – there is no lien because the taxes have been paid – value of property is not less than \$400.00 which is the value of the interest charge which is what they asked to be rebated. Consequently, legally the council could not take in action on this matter

b. ~~Request to Use Kingston School – Road to Monmouth Commemoration~~

Township Manager Daly noted that this item was put on the agenda erroneously – it had been discussed at an earlier meeting.

c. Defeated School Budget – Process and Time Frame

Mayor Sumter appointed a committee of four Councilmembers – Brian Levine, Shirley Eberle, Fred McKenzie and Catherine Barrier to consider the defeated School Budget. Township Manager Daly suggested that the Committee meet during the week of the April 28<sup>th</sup> . The Township Manager Daly will have Township Auditor and the Chief Finance Officer prepare some recommendation on the budget for review by the committee. The Committee could prepare their proposals for consideration by the full Council at the May 6<sup>th</sup> Work Session. Council could then give staff direction on how the resolution is to be prepared for the May 13<sup>th</sup> meeting.

Council concurred

**8. APPROVAL OF MINUTES – REGULAR SESSION – 03/11/03; WORK/REGULAR SESSION – 3/25/03**

Motion was made by Mr. Chivukula and seconded by Ms. Barrier to approve the Minutes of the Regular Meeting of March 11, 2003 and the Work/Regular Session of March 25, 2003. Motion was carried unanimously by those Councilmembers present at those meetings.

**9. WARRANTS – APRIL 22, 2003**

**Read by Acting Township Clerk Dashield**

1	Current Fund	295,791.14
5	Water Operating	285,510.04
6	Water Capital	675.97
4	General Capital	331,616.69
15	General Trust	119.25
18	Self Insurance Trust Fund	0

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21	Recreation Trust	445.00
12	Open Space Trust	250.00
2	Grant Fund	9,501.71
17	Workers' Compensation	0
	Unemployment Trust	0
	Employee Payroll Deduction	0
3	Collector Trust	8,951.36
14	Dog Revenue	0
	Community Foundation	0
22	Payroll	0
13	Redevelopment Agency	0
23	Agency Payroll	<u>135,796.88</u>
	<b>SUB-TOTAL</b>	<b>768,658.04</b>
25	Escrow Account	12,105.75
19	Voided Checks	0
20	Adjustments	<u>0</u>
	<b>GRAND TOTAL</b>	<b><u>\$780,763.79</u></b>

Motion was made by Mr. Chivukula and seconded by Ms. Eberle to approve the Warrants. Acting Township Clerk 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		<b><u>ABSENT</u></b>
Mr. Grippo	Mayor Sumter		Mr. Mazzola

Motion was carried.

**10. ORDINANCE HEARING – AMEND CODE – CHAPTER 226, VEHICLES & TRAFFIC – AMEND SECTION 226-17, VEHICLES OVER DESIGNATED WEIGHT EXCLUDED – CHURCHILL AVENUE, SHIRLEY AVENUE, ANNAPOLIS STREET AND BERRY STREET**

Acting Township Clerk Dashield read by title:

"AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, SOMERSET COUNTY, NEW JERSEY, MORE PARTICULARLY CHAPTER 226, SECTION 226-17, VEHICLES OVER DESIGNATED WEIGHT EXCLUDED, (CHURCHILL AVENUE, SHIRLEY AVENUE, ANNAPOLIS STREET, BERRY STREET)". Acting Township Clerk 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 Mr. Chivukula and seconded by Ms. Barrier 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. Chivukula to close the public hearing; motion was carried unanimously.

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

The Acting Township Clerk polled the Board, the vote being 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.

**11. ORDINANCE HEARING – AMEND CODE – CHAPTER 236 ARTICLE IV, WATER RATES AND METER CHARGES – SECTION 16, METER CHARGES (ADD CHARGE FOR RE-READING OF METERS)**

Acting Township Clerk Dashield read by title:

**"ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 236, WATER - ARTICLE IV, WATER RATES AND METER CHARGES - SECTION 16, METER CHARGES"**. Acting Township Clerk 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 Mr. Chivukula and seconded by Mr. Levine 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 Mr. Levine and seconded by Mr. Chivukula to close the public hearing; motion was carried unanimously.

Motion was made by Mr. Chivukula and seconded by Mr. McKenzie to adopt and publish notice of final passage in accordance with law.

The Acting Township Clerk 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.

**12. ORDINANCE HEARING – AMEND CODE – CHAPTER 226, VEHICLES & TRAFFIC – SECTION 226-32, CONSTRUCTION & MAINTENANCE OPERATIONS - TRAFFIC CONTROL FOR STREET AND HIGHWAY CONSTRUCTION AND MAINTENANCE OPERATIONS**

Acting Township Clerk Dashield 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 226-32 -**

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**TRAFFIC CONTROL FOR STREET AND HIGHWAY CONSTRUCTION AND MAINTENANCE OPERATIONS".** Acting Township Clerk 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 Mr. Chivukula 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 Mr. Mettler and seconded by Ms. Barrier to close the public hearing; motion was carried unanimously.

Motion was made by Mr. Chivukula and seconded by Mr. Levine to adopt and publish notice of final passage in accordance with law.

The Acting Township Clerk 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.

**13. ORDINANCE HEARING – LEASE AGREEMENT FOR CAPITAL EQUIPMENT – SOMERSET COUNTY IMPROVEMENT AUTHORITY – VARIOUS VEHICLES & EQUIPMENT**

Acting Township Clerk Dashield read by title:

**“ORDINANCE AUTHORIZING THE LEASE OF CERTAIN CAPITAL EQUIPMENT BY THE TOWNSHIP OF FRANKLIN, NEW JERSEY FROM THE SOMERSET COUNTY IMPROVEMENT AUTHORITY AND THE EXECUTION OF A LEASE AND AGREEMENT RELATING THERETO".** Acting Township Clerk 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 Mr. Chivukula 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.

John Grosso, 61 Hollywood Avenue, noted that, among the pieces of equipment the Township would be leasing through the Somerset County Improvement Authority, would be a street sweeper. Mr. Grosso noted that, because there are no curbs or sidewalks on his street and many others in the Township, a street sweeper cannot be used. Township Manager Daly advised that there is one street sweeper now in service, which is inadequate in a town of this size and explained the program of lease/purchase of new equipment through Somerset County. Township Manager Daly noted that the combination street sweeper costs \$175,000 and a significant savings on the interest is realized by buying through the County.

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John McConville, 5 Stoneleigh Way, was concerned about the street sweeper, noting that three or four years ago the Township acquired a brand new street sweeper. The front of his house on Connerly Road was being swept too often; where he lives now he has not seen a sweeper yet. Mr. McConville's noted that his taxes increased over \$80,000 last year and no sweeping. Mr. McConville welcomed Township Manager Daly back and expressed good wishes for his health.

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

Motion was made by Deputy Mayor Grippo and seconded by Mr. McKenzie to adopt and publish notice of final passage in accordance with law.

The Acting Township Clerk 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 HEARING – AMEND CODE – CHAPTER 52, SALARIES & COMPENSATION, SECTION 52-10, ANNUAL SALARY – 911 TELECOMMUNICATOR & FIRE PREVENTION OFFICERS (2002-2004)**

Acting Township Clerk Dashield read by title:

**"AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY MORE PARTICULARLY CHAPTER 52 - SALARIES & COMPENSATION - SECTION 52-10, ANNUAL SALARY FOR 911 TALLECOMMUNICATORS & FIRE PREVENTION OFFICERS (ADD SALARIES FOR 2002-2004 AND ADD SALARIES & LONGEVITY)".** Acting Township Clerk 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 Mr. Chivukula 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.

John Grosso, 61 Hollywood Avenue, welcomed Township Manager Daly back.

Mr. Grosso questioned the membership of the subject union. Assistant Manager Dashield advised that the unit is comprised of approximately fifteen members, who, in answer to Mr. Grosso's question, contribute to their medical insurance only if they were hired after January 1, 2000. Mr. Grosso questioned the amount of the pay raise that the members were given with this contract. Township Manager Daly noted that it was a 2% raise.

Motion was made by Mr. McKenzie and seconded by Mr. Chivukula to close the public hearing; motion was carried unanimously.

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

The Acting Township Clerk polled the Board, the vote being 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.

**15. ORDINANCE HEARING – AMEND CODE – CHAPTER 218, TAXICABS – SECTION 24 INSURANCE PREREQUISITE TO ISSUANCE – REDUCE INSURANCE COVERAGE AMUNTS FROM \$500,000 TO \$300,000**

Acting Township Clerk 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 218, TAXICABS - SECTION 24 INURANCE PREREQUISITE TO ISSUANCE". Acting Township Clerk 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 Mr. Chivukula and seconded by Mr. McKenzie 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 Mr. Chivukula and seconded by Ms. Barrier to close the public hearing; motion was carried unanimously.

Motion was made by Deputy Mayor Grippo and seconded by Mr. Chivukula to adopt and publish notice of final passage in accordance with law.

The Acting Township Clerk 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.

**16. PUBLIC DISCUSSION**

Sid Lentz – 22 Cornelius Way Questioned the Council on the time frame for approval of the School budget recommendations. Mr. Lentz also noted that he would like to see public input on the school budget recommendations.

Harold Leventhal, 380 DeMott Lane, spoke in support of approval of item P on the consent agenda concerning the grant for the skate park. Mr. Leventhal indicated that the kids in the community do not have adequate recreational facilities

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John P Grosso – 31 Hollywood Avenue – Questioned Council on the following:

- Questioned the method used to select Henry Street sidewalks as a project?
- Questioned the Fiscal Year 2004 Preliminary Municipal Tax Levy?
- Questioned if the Township had a ethic regulations?
- Questioned the status of Cable Television coverage of Council meetings?
- Questioned if the skate park could not be a part of Colonial Park?

The Township Manager was recognized by Mayor Sumter to make some comments. Mr. Daly first thanked Marc Dashield, Assistant Township Manager for filling in in his absence. Mr. Daly then addressed a number issues raised by the public.

Mr. Daly explained the process of local school board budget approval and indicated that the School Board can appeal the decision of the Council to the State Board of Education. Mr. Daly also indicated the public input would be part of the May 6<sup>th</sup> and May 13<sup>th</sup> Council meeting when the budget would be discussed by Council. Mr. Daly indicated that the Township has an ethics law and it is enforced. Mr. Daly also indicated that he would pass Mr. Grosso's comment concern a skate park in Colonial Park on to Recreation. Mr. Daly indicated that the Henry Street project was selected based on census tract.

**17. COUNCIL COMMENTS**

Ms. Barrier:

With regard to the meeting to discuss the defeated School Budget, Ms. Barrier suggested a public discussion during the meeting of the newly formed Committee to allow public input before the Committee makes recommendations. Ms. Barrier noted that there was not much public involvement last year.

Mr. Chivukula:

Mr. Chivukula noted that he has received a petition signed by several hundred Franklin Township senior citizens who have asked that the Council consider an ordinance to provide a discount for seniors (over 65) and/or disabled citizens on water and sewer bills. Mr. Chivukula cited a similar program which is in place in South Brunswick Township, although South Brunswick Township has both water and sewer municipally controlled. Mr. Chivukula requested that this item be placed on the agenda for the May 27<sup>th</sup> work session. Council concurred.

Mr. Levine:

Expressed his desire for as much public input as possible regarding the defeated School Budget, in answer to Mr. Lenz's remark during the public portion of the meeting. Mr. Levine noted the availability of his home phone number, e-mail address, etc.

Noted that the committee to review the School Budget or the full Council can make suggestions with regard to cuts to the Board of Education Budget. Mr. Levine explained that the Board of Education is not obligated to cut the line items which are suggested by Council, only the amount of money. Mr. Levine asked the Councilmembers to encourage the Board of Education to follow the suggestions of the Council and cut the line items which the Council indicates.

Expressed his best wishes to Councilwoman Catherine Barrier who has chosen not to run for another term and plans to run for State Assembly.

Referred to Dunham Lebed Park tree planting ceremony which will take place on Saturday, April 26, 2003 at 9:00 a.m.

Asked Deputy Mayor Grippo about the time frame for acquiring TV cameras for the Council Chambers. Deputy Mayor Grippo noted that he would give an up-date this evening.

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Ms. Eberle:

Favors seeking a format for question and answer portion of the meeting that would eliminate any adversarial feelings from public and Council.

Noted that input from public for school budget last year came from lots of people who were in favor of keeping the budget as proposed by the Board of Education and expressed the hope that others would come to the proposed meeting to express their opinions on the budget.

Explained the process of filing a Local Government Ethics Law Financial Disclosure Statement with the Township Clerk.

Deputy Mayor Grippo noted:

- (a) Cable TV Committee has met and will meet again probably within a week. Patriot station is building a budget of what the cost will be to have a feed into the Council Chambers. The budget will be presented during the hearings in July
- (b) Tour de Franklin for the Food Bank will take place on Saturday, April 26<sup>th</sup>, 2003; "Hoops for Kids" – a fundraiser for kids with cancer will take place at Sampson G. Smith School on Saturday, April 26<sup>th</sup>; "Bunny Hop" took place on Saturday, April 19<sup>th</sup>.
- (c) That the 15% discount for senior/disabled citizens would be a good thing and hoped that Councilmembers would discuss the possibility of establishing the program;
- (d) That the history of the Public Discussion issue needs to be examined. Councilmembers were eating up the ten-minute allotments given to the public and residents became frustrated. Deputy Mayor Grippo suggested that people speak and Councilmembers will collect their thoughts while residents use their allotted time. Because many issues run parallel, Deputy Mayor Grippo noted that it is possible to bunch issues as happened in tonight's public portion.

Mayor Sumter:

- (a) Thanked Diane Hensley for organizing the Black History Month Celebration.
- (b) Noted that the public portion of the meeting would be more organized if the resident would ask all his/her questions at one time – then sit down and let Council answer the questions. Mayor Sumter discouraged the practice of dialoguing "all night long" on one question.
- (c) Offered good wishes to Ken Daly on his recovery from surgery.

Ms. Barrier:

Again expressed her desire that a short public hearing could take place before Committee meeting on the following Tuesday. Mr. McKenzie suggested that the committee meet first to see what the Committee proposes before getting public input. Ms. Barrier agreed, but hoped that there would be advertising of the meeting so there would be a more balanced representation than last year.

Mr. Chivukula advised that documentation provided by School Board should be available to public and suggested that copies of the budget be left in the Council Chambers

Mr. McKenzie noted that the documentation was made available by the Board of Education at the Public Hearings

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

**18. ORDINANCE INTRODUCTION – AMEND CODE – CHAPTER 112, DEVELOPMENT – ARTICLE V SPECIAL REQUIREMENTS – SECTION 112-24 DELAWARE AND RARITAN CANAL HISTORIC SITES PRESERVATION AND DESIGN REGULATIONS – REPLACE IN ITS ENTIRETY WITH SCENIC CORRIDOR OVERLAY**

Acting Township Clerk Dashield read by title:

"AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY MORE PARTICULARLY CHAPTER 112, DEVELOPMENT - ARTICLE V – SPECIAL REQUIREMENTS – SECTION 112-24 DELAWARE AND RARITAN CANAL HISTORIC SITES PRESERVATION AND DESIGN REGULATIONS – REPLACED IN ITS ENTIRETY WITH SCENIC CORRIDOR OVERLAY " which is presented to Council for adoption on first reading, posting, publication in accordance with law for public hearing and on May 27, 2003.

Mr. Chivukula so moved. Mr. Mettler seconded the motion. Acting Township Clerk 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.

**19. ORDINANCE INTRODUCTION – AMEND CODE – CHAPTER 112, DEVELOPMENT – ARTICLE II, SECTION 112-6, ZONING DISTRICTS, SUBSECTION B, ZONING MAP – PARAGRAPH (2) AMENDMENTS – CHANGE THE ZONING DESIGNATION OF CERTAIN PROPERTY IN ROL ZONE SOUTH AND KINGSTON ENVIRONS**

Acting Township Clerk Dashield read by title:

"AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 112, DEVELOPMENT, SECTION 112-6B(1), OFFICIAL ZONING MAP" which is presented to Council for adoption on first reading, posting, publication in accordance with law for public hearing on May 27, 2003.

Mr. Chivukula so moved. Mr. McKenzie seconded the motion. Acting Township Clerk 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.

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**20. RESOLUTION - CONSENT AGENDA**

**Read by Acting Township Clerk Dashield**

- A. Tax Title Lien Redemptions:  
     Vickerie, Collin – Block 20.04 Lot 11.01 – C3901 - \$235.33  
         1 Balboa lane  
     Carr, William E. - Block 275 lot 57-60 – C01228 - \$766.35  
         250 Highland Avenue  
     Carr, William E. - Block 275 lot 57-60 – C020132 - \$292.85  
         250 Highland Avenue  
     Mansuri, Salim & S. - Block 34.02 Lot 16.03 – C0233 -\$1,969.42  
         6 Veros Lane  
     Gillstrap, Donna - Block 357 Lot 16 – C01205-\$5,687.41  
         3 Dennett Road
- B. Tax Overpayment – Various
- C. Fiscal Year 2004 Preliminary Municipal Tax Levy
- D. Tax Rate Fire District No. 1
- E. Tax Rate Fire District No. 2
- F. Tax Rate Fire District No. 3
- G. Tax Rate Fire District No. 4
- H. Performance Guarantee Reduction – Noddle Development Company - Docket  
 PLN2001-0010 - \$404,754.60 to \$121,426.38
- I. Escrow Release - Street Opening Permit - Raritan Valley Habitat for Humanity Inc. -  
 Permit No. 5759 - \$4,620.00
- J. Escrow Release - Plan Review - Thomas Del Casale - Docket No. ZBA 2001-0038 -  
 \$1,587.50
- K. Amend Resolution - Suydam Insurance Agency - Increase amount for additional  
 Bond for Community Resource Administrator - \$250.00
- L. Award Contract - Advance Building Maintenance - Janitorial Services - Public Safety  
 & Community/Senior Center - May 1, 2003 to June 31, 2003 - Not to exceed  
 \$6,124.00
- M. Contract Renewal - Tree-Tech (formerly Stelatella) - Tree Trimming & Removal  
 Services - June 22, 2003 to June 21, 2004 - Not to exceed \$15,000.00
- N. Contract Renewal - Midco Waste System - Trash Removal - Municipal Buildings -  
 July 1, 2003 to June 30, 2004 - Not to exceed \$10,288.00
- O. Award Bid - Arnold's Road, Inc. - Installation of Sidewalks - Henry Street - Not to  
 exceed \$75,001.00
- P. Grant Application – Somerset County Youth Athletic and Recreation Facility Grant  
 Program –Engineering Services Skate Park – Up to \$15,000.00
- Q. Grant Application - Somerset County Open Space Partnership Program -  
 Reimbursement for Negri property purchase - \$205,000.00
- R. Grant Award – Juvenile Accountability Incentive Block Grant - Various Youth  
 Services Program - \$13,946.00

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- S. Support of Somerset County Park Commission's Colonial Park/D & R Canal Pedestrian Bridge Project
- T. Discharge of CDBG Mortgage - Alzenia Booker - 123 Churchill Avenue - Block 101/Lot 69
- U. Discharge of CDBG Mortgage - Patricia Dove – 230 Hillcrest Avenue Block 299/Lot 32
- V. Special Event Permit – Franklin High School Promenade – Municipal Complex - May 9, 2003
- W. Special Event Permit - Franklin Township Food Bank - Tour de Franklin - Activities on Community/Senior Center Parking Lot - Sunday, April 27, 2003

**THE FOLLOWING ARE THE ITEMS OF THE CONSENT AGENDA:**

**A. 03-176 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

**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	20.04/11.01 C3901	VICKERIE, COLIN 1 Balboa Lane Franklin Park NJ 08823	\$ ,235.33
<b>PAID:</b>	<b>March 25, 2003</b>	<b>CERT #020005</b>	
<b>LIENHOLDER:</b>	<b>Rehab Properties LTD</b> <b>1032 South Avenue, Suite 232      Plainfield NJ 07062</b>		
June 13, 2002	34.02/16.03 C0233	MANSURI, SALIM & S. 235 Conway Street Edison NJ 08820 (6 Veros Lane)	\$1,969.42
<b>PAID:</b>	<b>April 1, 2003</b>	<b>CERT #020012</b>	
<b>LIENHOLDER:</b>	<b>Mooring Tax Asset Group</b> <b>8614 Westwood Center Drive, Suite 650      Vienna VA 22182</b>		
June 07, 2001	275/57-60	CARR, WILLIAM E.	\$ 766.35
June 13, 2002		1 Gateway Center Drive, Suite A182 Newark NJ 07102 (250 Highland Avenue)	292.85
<b>PAID:</b>	<b>March 28 &amp; 31, 2003</b>	<b>CERT #01-228 &amp; 020132</b>	
<b>LIENHOLDER:</b>	<b>Wachovia CT/M.D. SASS II</b> <b>123 South Broad Street, PA 1328      Philadelphia PA 19109</b>		
June 07, 2001	357/16	GILLSTRAP, DONNA 3 Dennett Road Somerset NJ 08873	\$5,687.41

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**PAID:** March 31, 2003 CERT #01-205  
**LIENHOLDER:** Plymouth Financial  
PO Box 2288  
Morristown NJ 07962-2288

**B. 03-177 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>
20.02/18	UR, LAWRENCE P. 110 Bunkerhill Road Princeton NJ 08540	4/02	328.06
20.03/9.03 C1810	STEPHEN A. MAKOWSKI 438 Fairview Way New Hope PA 18938	1/03	692.38
34.09/59.02 C0507	MAJITHIA, NARENDRA & CHANDABEN 121 Sapphire Lane Franklin Park NJ 08823	2/03	523.17
73.01/59.23	PATEL, SUNIL & DIPTI 10 Jimmy Court Somerset NJ 08873	4/02	234.79
386.17/144	CHIN, HARRY 14 Fulton Road Somerset NJ 08873	2/03	861.02
424.02/11.238	SEN.CIT.CTR.OF UOC ST. VOLODIMIR 66 Cedar Grove Lane #14 Somerset NJ 08873	4/02	1,000.00
86.01/4.03	TOWNSHIP OF FRANKLIN 475 DeMott Lane Somerset NJ 08873	4/01	190.46
424.02/11.76	JOSEPH L. RICH 73 Freemont Court Somerset NJ 08873	4/02	126.26
55/13.03	KENNETH RIZZI 30 Vermont Avenue Franklin Park NJ 08823	4/02	283.12
384/20	BONIANIAN, ZOHREH & ANSARI, MORTEZA 8 Hamlet Court Somerset NJ 08873	2/03	1,378.44

**C. 03-178 RESOLUTION - FISCAL YEAR 2004 PRELIMINARY MUNICIPAL TAX LEVY**

**WHEREAS**, the New Jersey Division of Local Government Services has revised the method of calculating the Local Municipal Tax Rate for Municipalities operating on a Fiscal Year basis ending June 30, per Statute; and

**WHEREAS, c.40A:4-12 .1** requires the Governing Body of each Municipality operating under the State Fiscal Year to Certify by resolution to the Director of the Division of Local Government Services, a preliminary Municipal Tax Levy;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the Fiscal Year 2004 Preliminary Municipal Tax Levy to be utilized in calculation of the municipal portion of the third and fourth installments of property tax is \$24,089,653; and

**BE IT FURTHER RESOLVED** that certified copies of this resolution be filed with the Director of the Division of Local Government Services and with the Somerset County Board of Taxation.

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**D. 03-179 RESOLUTION - TAX RATE DISTRICT NO. 1**

**WHEREAS**, the Tax Assessor has certified to the Township Council that the Assessed valuation of property for 2003 within Fire District No. 1 amounts to \$2,967,033,718.00; and

**WHEREAS**, the voters of Fire District No. 1 have approved a Budget of \$1,498,952.00 for the Calendar Year 2003; and

**NOW, THEREFORE, BE IT RESOLVED** that the sum of \$1,498,952.00 be allotted to Fire District No. 1 for the Calendar Year 2003 to be distributed to said Fire District as follows: 50% of the money's collected for Fire District No. 1 in the year 2003, in April, 2003 and the balance of the remaining portion of the Fire District No. 1 Budget as approved by the voter, in August, 2003; and

**BE IT FURTHER RESOLVED** that the Assessor be and he is hereby directed to levy an assessment against Fire District No. 1 of the Township of Franklin at a rate of .051 per hundred dollars valuation to realize the sum of \$1,513,187.00.

April 2003 - \$749,476.00

August 2003 - \$749,476.00

**E. 03-180 RESOLUTION - TAX RATE DISTRICT NO. 2**

**WHEREAS**, the Tax Assessor has certified to the Township Council that the Assessed valuation of property for 2003 within Fire District No. 2 amounts to \$1,481,084,079.00; and

**WHEREAS**, the voters of Fire District No. 2 have approved a Budget of \$1,170,237.00 for the Calendar Year 2003; and

**NOW, THEREFORE, BE IT RESOLVED** that the sum of \$1,170,237.00 be allotted to Fire District No. 2 for the Calendar Year 2003 to be distributed to said Fire District as follows: 50% of the money's collected for Fire District No. 2 in the year 2003, in April, 2003 and the balance of the remaining portion of the Fire District No. 2 Budget as approved by the voter, in August, 2003; and

**BE IT FURTHER RESOLVED** that the Assessor be and he is hereby directed to levy an assessment against Fire District No. 2 of the Township of Franklin at a rate of .080 per hundred dollars valuation to realize the sum of \$1,184,867.00.

April 2003 - \$585,118.50

August 2003 - \$585,118.50

**F. 03-181 RESOLUTION - TAX RATE DISTRICT NO. 3**

**WHEREAS**, the Tax Assessor has certified to the Township Council that the Assessed valuation of property for 2003 within Fire District No. 3 amounts to \$1,262,689,663.00; and

**WHEREAS**, the voters of Fire District No. 3 have approved a Budget of \$1,080,838.00 for the Calendar Year 2003; and

**NOW, THEREFORE, BE IT RESOLVED** that the sum of \$1,080,838.00 be allotted to Fire District No. 3 for the Calendar Year 2003 to be distributed to said Fire District as follows: 50% of the money's collected for Fire District No. 3 in the year 2003, in April, 2003 and the balance of the remaining portion of the Fire District No. 3 Budget as approved by the voter, in August, 2003; and

**BE IT FURTHER RESOLVED** that the Assessor be and he is hereby directed to levy an assessment against Fire District No. 3 of the Township of Franklin at a rate of .086 per hundred dollars valuation to realize the sum of \$1,080,862.00.

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April 2003 - \$540,419.00

August 2003 - \$540,419.00

**G. 03-182 RESOLUTION - TAX RATE DISTRICT NO. 4**

**WHEREAS**, the Tax Assessor has certified to the Township Council that the Assessed valuation of property for 2003 within Fire District No. 4 amounts to \$41,611,427.00; and

**WHEREAS**, the voters of Fire District No. 4 have approved a Budget of \$16,457.00 for the Calendar Year 2003; and

**NOW, THEREFORE, BE IT RESOLVED** that the sum of \$16,457.00 be allotted to Fire District No. 4 for the Calendar Year 2003 to be distributed to said Fire District as follows: 50% of the money's collected for Fire District No. 4 in the year 2003, in April, 2003 and the balance of the remaining portion of the Fire District No. 4 Budget as approved by the voter, in August, 2003; and

**BE IT FURTHER RESOLVED** that the Assessor be and he is hereby directed to levy an assessment against Fire District No. 4 of the Township of Franklin at a rate of .040 per hundred dollars valuation to realize the sum of \$16,645.00.

April 2003 - \$8,228.50

August 2003 - \$8,228.50

**H. 03-183 RESOLUTION - PERFORMANCE GUARANTEE REDUCTION - NODDLE DEVELOPMENT COMPANY (WALGREEN'S) - DOCKET NO. PLN2001-0010 - \$404,754.60**

**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:	NODDLE DEVELOPMENT COMPANY (WALGREEN'S)
ADDRESS OF APPLICANT:	13710 FNB Parkway, Suite 100      PO Box 542010 Omaha NE 68154-8010
NUMBER:	STB20000619
INSURANCE CO./BANK:	First National Bank 1620 Dodge Street      Omaha NE 68197
IN THE AMOUNT OF:	\$404,754.60
FOR:	Site Improvements for Docket No. PLN2001-0010, Block 34.05/Lot 42 located on Route 27; 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 \$121,426.38;

**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 applicant upon receipt of a reduced Letter of Credit in the amount of \$121,426.38.

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**I. 03-184 RESOLUTION - RELEASE OF STREET OPENING ESCROW DEPOSIT - RARITAN VALLEY HABITAT FOR HUMANITY, INCORPORATED - \$4,620.00**

**WHEREAS**, the following have deposited Escrow Funds for Street Opening Permits;  
and

**WHEREAS**, notification has been received from the Department of Public Works stating that all work has been completed in accordance with Standards of Ordinance No. 599;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin, County of Somerset, New Jersey, that the Finance Officer is hereby authorized to release Street Opening Escrow Funds to the following:

<u>NAME/ADDRESS</u>	<u>PERMIT#</u>	<u>DEPOSIT/SURETY</u>
Raritan Valley Habitat For Humanity, Incorporated PO Box 6275 Bridgewater NJ 08807	5759 120-122 Sydney Place	\$4,620.00/Bonded

**J. 03-185 RESOLUTION - RELEASE OF PLAN REVIEW ESCROW - THOMAS DEL CASALE, III - DOCKET NO. ZBA2001-0038 - \$1,587.50**

**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: THOMAS DEL CASALE, III  
ADDRESS: 232 Bennetts Lane  
Somerset NJ 08873

DOCKET NO: ZBA2001-0038  
BLOCK/LOT: 88.02/34 & 35  
LOCATION: 234 Bennetts Lane  
AMOUNT DEPOSITED: \$2,000.00  
AMOUNT CHARGED: < 412.50 >  
AMOUNT TO BE REFUNDED: \$1,587.50

**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.

**K. 03-186 AMEND RESOLUTION - EMPLOYEE BONDS - SUYDAM INSURANCE AGENCY - AN ADDITIONAL AMOUNT NOT TO EXCEED \$250.00**

**WHEREAS**, the by resolution adopted June 27, 2002 Extraordinary Unspecifiable Services was awarded with Suydam Insurance Agency for the Bonds for employees from July 1, 2002 to June 30, 2003;

**WHEREAS**, the Director of Community Resources and Services has retired;

**WHEREAS**, Diane Hensley was named to the position following the retirement of Ms. Callier and because half the year into the coverage, the insurance company cannot transfer names on the bonds;

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**WHEREAS**, there is need to provide an additional \$250.00 for Ms. Hensley to be named on the bond; and

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

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

- (1) These contracts are awarded without competitive bidding as an exemption under the provisions of the Local Public Contracts Law, NJSA 40A:11-5(1)(m).
- (2) A notice of this action shall be printed in the **LEGAL NEWSPAPER OF THE TOWNSHIP** as required by law within ten (10) days of its passage.
- (3) The vendors 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 Extraordinary Unspecifiable Service Agreement authorized herein.
- (4) The vendors 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 Extraordinary Unspecifiable Service Agreement authorized herein.

**BE IT FURTHER RESOLVED** that continuation of the terms of this contract beyond June 30, 2003 is contingent upon availability of funds in the 2004 FY Budget, and in the event of unavailability of such funds, the Township of Franklin reserves the right to cancel this contract.

**L. 03-187 RESOLUTION - AWARD BID - ADVANCE BUILDING MAINTENANCE - JANITORIAL SERVICES - PUBLIC SAFETY BUILDING & COMMUNITY/SENIOR CENTER - AN AMOUNT NOT TO EXCEED \$6,124.00**

**WHEREAS**, notice for bids for Janitorial Services was awarded from November 1, 2002 to October 31, 2003;

**WHEREAS**, due to poor service, said contract was rescinded and has been rebid; and

**WHEREAS**, during the interim of the former contractor leaving and the new contract being awarded, services are needed for Janitorial Services;

**WHEREAS**, Advance Building Maintenance is willing to take over the cleaning of the Public Safety Building and Community/Senior Center for a two-month period beginning May 1, 2003 to June 30, 2003, or until the new contract is in place;

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

**BE IT RESOLVED** by the Township Council of the Township of Franklin, Somerset County, New Jersey that the following bids be awarded:

**ADVANCE BUILDING MAINTENANCE**  
**PO Box 5905**  
**Hillsborough NJ 08844**

**Amount not to exceed \$6,124.00 for two months - regular cleaning;**

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**BE IT FURTHER RESOLVED** that the Mayor and the Township Clerk be and the same are hereby authorized to enter into a contract with the above listed companies.

**M. 03-188 RESOLUTION - CONTRACT EXTENSION – TREE-TECH (FORMERLY STELLATELLA) - TREE TRIMMING & REMOVAL SERVICES – JUNE 22, 2003 TO JUNE 21, 2004 - AN AMOUNT NOT TO EXCEED \$15,000.00**

**BE IT AND IT IS HEREBY RESOLVED** that the resolution adopted June 28, 2001 awarding bids for Tree Trimming and Removal for the period June 22, 2003 to June 21, 2004 to:

**TREE-TECH**

**1248 Sussex Turnpike  
Mt. Freedom NJ 07970**

**PO Box 158**

**the amount not to exceed \$15,000.00**

**be extended for the period June 22, 2003 to June 21, 2004; and**

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

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

**BE IT FURTHER RESOLVED** that continuation of the terms of this contract beyond June 30, 2003 is contingent upon availability of funds in the 2004 FY Budget, and in the event of unavailability of such funds, the Township of Franklin reserves the right to cancel this contract.

**N. 03-189 RESOLUTION - CONTRACT EXTENSION – MIDCO WASTE SYSTEM - EXTEND CONTRACT - TRASH REMOVAL FOR MUNICIPAL BUILDINGS – JULY 1, 2003 TO JUNE 30, 2004 - AN AMOUNT NOT TO EXCEED \$10,288.00**

**BE IT AND IT IS HEREBY RESOLVED** that the resolution adopted June 28, 2001 awarding bids for Trash Removal for the Municipal Buildings for the period July 1, 2001 to June 30, 2003 to:

**MIDCO WASTE SYSTEMS**

**5 Industrial Drive  
New Brunswick NJ 08901**

**the amount not to exceed \$10,288.00**

**be extended for the period July 1, 2003 to June 30, 2004; and**

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

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

**BE IT FURTHER RESOLVED** that continuation of the terms of this contract beyond June 30, 2003 is contingent upon availability of funds in the 2004 FY Budget, and in the event of unavailability of such funds, the Township of Franklin reserves the right to cancel this contract.

**O. 03-190 RESOLUTION - AWARD BID - ARNOLD'S ROADS, INCORPORATED - HENRY STREET SIDEWALKS - AN AMOUNT NOT TO EXCEED \$75,001.00**

**WHEREAS**, a notice to bidders for the receipt of bids for Henry Street Sidewalks for the was published in the Courier News on March 27, 2003 for receipt on April 10, 2003; and

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

**BE IT RESOLVED** by the Township Council of the Township of Franklin, Somerset County, New Jersey that the following bids be awarded:

**ARNOLD'S ROADS, INCORPORATED**  
**2 Sylvester Court**  
**East Brunswick NJ**

**Amount not to exceed \$75,001.00; and**

**BE IT FURTHER RESOLVED** that the Mayor and the Township Clerk be and the same are hereby authorized to enter into a contract with the above listed companies.

**P. 03-191 RESOLUTION - GRANT APPLICATION - SOMERSET COUNTY - YOUTH ATHLETIC & RECREATION FACILITY GRANT PROGRAM - \$15,000.00**

**BE IT AND IT IS HEREBY RESOLVED** that the Township Council of the Township of Franklin does hereby authorize the submission of Grant Application to the Somerset County Board of Chosen Freeholders for the Youth Athletic & Recreation Facility Grant Program for Engineering Services for the improvement of athletic field or recreational facilities for a Skate Park in the amount of \$15,000.00 and authorizes the Mayor to execute this application on its behalf.

**Q. 03-192 RESOLUTION - GRANT APPLICATION - SOMERSET COUNTY/MUNICIPAL OPEN SPACE PARTNERSHIP - REIMBURSEMENT FOR NEGRI PROPERTY PURCHASE - \$250,000.00**

**WHEREAS**, the Somerset County/Municipal Open Space Partnership (OSP) Grants Program makes grants available to municipalities for open space acquisition. Funding can be provided by the County for fee simple interest. The property was acquired in the name of the Municipality and the Municipality assumes the long-term management responsibilities;

**WHEREAS**, the Mayor and Council of the Township of Franklin in the County of Somerset, State of New Jersey desire to further the public interest by obtaining a grant from Somerset County to reimburse the Township for the purchase of Block 85, Lot 67.01.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council that the site acquisition with reimbursement from Somerset County Open Space Partnership funds will be managed by the Township of Franklin as permanent open space;

**BE IT FURTHER RESOLVED** that the Township agrees to comply with all applicable Federal, State and Municipal laws, rules and regulations in its performance pursuant to the Open Space Partnership Policy and Procedures Manual.

**R. 03-193 RESOLUTION - GRANT AGREEMENT - JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT/ARISE PROGRAM; TEEN RECREATION; GUARDIAN PROGRAM & FRANKLIN'S STATION HOUSE ADJUSTMENT PROGRAM - \$13,946.00 GRANT; \$1,550.00 TOWNSHIP MATCH = TOTAL AMOUNT OF \$15,496.00**

**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 Character Assets Program, the ARISE Program, Substance Abuse Treatment Services and Youth Connections Program, in the amount of \$13,946.00/\$1,550.00 Township Match for a total of \$15,496.00.

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**S. 03-194 RESOLUTION - SUPPORT OF SOMERSET COUNTY PARK COMMISSION - COLONIAL PARK / D & R CANAL PEDESTRIAN BRIDGE PROJECT**

**WHEREAS**, the Township of Franklin has been resolute in its approach to the connectivity of natural and cultural resources; and

**WHEREAS**, the goals and objectives stated in the Township's Master Plan, Open Space Plan and Bikeway Master plan have illustrated this commitment; and

**WHEREAS**, Somerset County Parks Commission's proposed construction of a pedestrian bridge at the D&R Canal tow path to Colonial Park is consistent with the Township's vision of an alternative connections to cultural and natural resources within and outside municipal boundaries.

**WHEREAS**, the proposed project will connect a State natural and cultural resource to local scenic corridors and existing regional park which corresponds with the recommendation of the Open Span plan to create links between local scenic corridors and the existing regional park

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Franklin in Somerset County, State of New Jersey does hereby support the Colonial Park/D&R Canal Pedestrian Bridge project.

**T. 03-195 RESOLUTION - DISCHARGE OF MORTGAGE - CDBG HOUSINGREHABILITATION PROGRAM - ALZENIA BOOKER - 123 CHURCHILL AVENUE - BLOCK 101/LOT 69**

**WHEREAS**, the Township of Franklin holds a mortgage dated April 15, 1998 in the amount of \$9,500.00 for Block 101, Lot 69, owned by Alzenia Booker for premises located at 123 Churchill Avenue in conjunction with dwelling renovations through the CDBG Housing Rehabilitation Program; and

**WHEREAS**, the aforesaid five (5) year period has expired and the mortgage is no longer required to be held by the Township;

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Township Clerk be and they are hereby authorized to sign a Discharge of Mortgage and to have same filed with the County Recording Officer.

**U. 03-196 RESOLUTION - DISCHARGE OF MORTGAGE - CDBG HOUSING REHABILITATION PROGRAM - PATRICIA DOVE - 230 HILLCREST AVENUE - BLOCK 299/LOT 32**

**WHEREAS**, the Township of Franklin holds a mortgage dated January 26, 1996 in the amount of \$10,340.00 for Block 299, Lot 32, owned by Patricia Dove for premises located at 230 Hillcrest Avenue in conjunction with dwelling renovations through the CDBG Housing Rehabilitation Program; and

**WHEREAS**, the aforesaid five (5) year period has expired and the mortgage is no longer required to be held by the Township;

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Township Clerk be and they are hereby authorized to sign a Discharge of Mortgage and to have same filed with the County Recording Officer.

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**V. 03-197 RESOLUTION - SPECIAL EVENT PERMIT - FRANKLIN HIGH SCHOOL PROMENADE - PRE PROM PHOTO SESSIONS - MAY 9, 2003 - 4:00 PM TO 6:30 PM**

**WHEREAS**, a request has been received from Franklin High School (Larry Zambrowsky, Vice Principal, 415 Francis Street, Somerset NJ 08873) for permission to have FHS Promenade - Pre Prom Photo Sessions on May 9, 2003, to be conducted in the Community/Senior Center, 505 DeMott Lane, Somerset NJ and surrounding Municipal Grounds between the hours of 4:00 pm - 6:30 pm; and

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

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin, County of Somerset, New Jersey, that permission is hereby granted to conduct FHS Promenade on May 9, 2003 between the hours of 4:00 pm and 6:30 pm, to be conducted in the Community/Senior Center and surrounding Municipal Grounds, subject to compliance with the requirements of Township Officials, including but not limited to the Chief of Police and Director of Fire Prevention; and,

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

**BE IT FURTHER RESOLVED** that 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.

**W. 03-198 RESOLUTION - SPECIAL EVENT PERMIT – FRANKLIN TOWNSHIP FOOD BANK TOUR DE FRANKLIN – ACTIVITIES ON COMMUNITY SENIOR CENTER PARKING LOT – SUNDAY, APRIL 27, 2003**

**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 27, 2003 between 7:00 p.m. and 10:00 p.m. to be conducted within the Community Senior Center Parking Lot; and,

**WHEREAS**, 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 for permission to have activities in conjunction with the Tour de Franklin on April 27, 2003 between 7:00 p.m. and 10:00 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 the permit fee of \$125.00 be waived since said organization is a non-profit organization; 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

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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.

Motion was made by Mr. Chivukula and seconded by Mr. McKenzie to approve the items of the foregoing Consent Agenda. Acting Township Clerk 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.

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

**Read by Acting Township Clerk 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:

**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 22<sup>nd</sup> day of April, 2003, that an Executive Session closed to the public shall be held on April 22, 2003, at 10:20 pm 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;

This Resolution shall take effect immediately.

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Motion was made by Mr. Chivukula and seconded by Deputy Mayor Grippo; motion was carried unanimously.

Council adjourned to Executive Session at 10:20 p.m.. Meeting resumed and was immediately adjourned at 10:40 p.m.

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**WILLIS SUMTER, MAYOR**

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**MARC D. DASHIELD, ACTING TOWNSHIP CLERK**