

**REGULAR MEETING OF THE TOWNSHIP COUNCIL  
TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, NEW JERSEY  
APRIL 27, 2004**

The Regular Meeting of the Township Council of the Township of Franklin, County of Somerset, New Jersey, held at 475 DeMott Lane, Somerset, was called to order by the Mayor at 7:17 p.m.

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

Everyone present participated in the Salute to the Flag and an invocation led by Councilman Unger.

**CALL TO ORDER**

The Township Clerk called the roll.

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

Absent: Mr. Schrum

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

**MAYOR'S REPORT**

Mayor Levine asked that all cell phones be turned off during the meeting. Mayor Levine reviewed the agenda and announced that Ordinance Nos. 3431 and 3432 would have public hearings again this evening. Mayor Levine announced that the public discussion would be five minutes per speaker.

Mayor Levine reported his attendance at last week's NJ Conference of Mayor where the main topic of discussion was the Constitutional Convention and property tax reform. He stated that to save money he shared a room with a fellow Mayor. He found that Franklin Township is ahead of most municipalities with GIS and its computer system.

Mayor Levine referred to a letter sent to the Township from Edgewood Properties regarding summonses issued by the Health Department to the property owner of Block 8802, Lot 20 threatening the reopening of the go-go bar if the summonses are not rescinded. Mayor Levine announced that Franklin Township does not deal with blackmailers.

**DEPUTY MAYOR'S REPORT**

Deputy Mayor McKenzie reported that the Somerset Armory has opened its Family Assistance Center for families whose loved ones are on active duty in Iraq. He asked that Franklin Township support this center. Deputy Mayor McKenzie requested an ordinance be introduced on May 11<sup>th</sup> waiving fees for Township residents who are on active duty in Iraq.

Deputy Mayor McKenzie announced the Identity Theft Program is scheduled for April 28<sup>th</sup> at 7 p.m. in the Senior/Community Center. The program will provide steps to protect personal information and methods to reduce identity theft.

Deputy Mayor McKenzie announced the public meeting on the contaminated wells in Franklin Park with the NJDEP is scheduled for April 28<sup>th</sup> at 7 p.m. at the Franklin Park School.

Mayor Levine announced the passing of the school budget on April 20<sup>th</sup> and congratulated the three School Board candidates. Mayor Levine announced that the High School is presenting *Les Miserables*.

### REVIEW OF PREPARED AGENDA

Mayor Levine led the following review of the prepared agenda:

Ordinance #3431 – Acquisition of Land – 0.703 acre portion of Block 34.09, Lot 59.02 – Vliet Road for purchase of land under water tank.

Ordinance #3432 – Capital Ordinance – Appropriating \$65,000 for Acquisition of Land – 0.703 acre portion of Block 34.09, Lot 59.02 – Vliet Road for purchase of land under water tank.

Public Hearings will be held prior to Council action this evening.

Ordinance #3462 – Amend Code Chapter 112, Development Ordinance, by adding Planned Adult Community (PAC) District. (*Public Hearing is scheduled for May 25, 2004.*)

Mr. Daly reviewed the following changes made to the ordinance by the Planning Board:

1. Definitions

Planned Adult Community (PAC) – A planned adult community designed to meet the needs of an age restricted segment of the population where the head of the household is, at a minimum, fifty-five years of age, except that due to the death a remaining spouse of less than 55 shall be allowed to remain; no person under 19 years of age shall reside in any dwelling unit for more than 90 days in any calendar year; and where an equivalent of at least 10% of all units, including non-age restricted, shall be provided for low and moderate income households. The PAC District ~~may~~ **shall** also include ~~up to 10%~~ **150** of the total units as non-age restricted units. Further, ~~up~~ **a minimum of 5% shall and up** to 10% of the tract may be developed for commercial uses.

5. Gross density.

A gross density of ~~46.0~~ dwelling units per gross acre of the tract shall be permitted for independent residential dwelling units including common areas **except that no more than 900 units including COAH eligible affordable units shall be permitted.** ~~Land assigned by lease or property boundary for commercial and senior support facilities shall not be included within the gross acreage computation for density calculations. Gross density shall be permitted to be increased by a ration of 3 market units for each 1 COAH qualified equivalent income restricted unit pursuant to N.J.A.C. 5:93 5.15 (d), provide that no less than and no more than 100 equivalent units shall be authorized pursuant to this section and further provided that 50 income and age restricted units shall be dedicated to the Township by fee simple deed or other instrument acceptable to the Township.~~

7. Height, Area and Bulk Requirements for Commercial

Maximum percent impervious coverage by buildings and pavement (total impervious surface) – 65% **subject to compliance with the New Jersey Elimination Discharge System and Stormwater Regulations (N.J.A.C. 7:14A1-25) and to no increase in runoff from the site.**

10. Other Requirements

Open Space/Recreation Facilities and Area – 20.0% of the gross acreage of the tract shall be open space. Improved recreation areas shall be **an additional** 5% of the gross acreage and shall be improved recreational facilities including but not limited to clubhouse, tennis, pool, bikeways, village parks, play field areas and support facilities.

**Access to Weston Canal Road prohibited – No private or public roadway shall connect to Weston canal Road except that the Planning Board, in its sole discretion, may permit emergency access.**

**Mandatory Set-Aside Requirements**

A developer shall provide or cause others to provide low and moderate income dwelling units which shall be equivalent to not less than ten percent (10%) of the total number of dwelling units specified in the development plan **and further provided that fifty (50) of the required low and moderate income units shall be dedicated to the Township by fee simple deed or other instrument acceptable to the Township.** All units or equivalents shall be provided in accordance with Section 112-9E (2), (3), (5), (6), (7).

Ordinance #3462 – Amend Code Chapter 112, Development Ordinance, by adding Planned Adult Community (PAC) District. (*Public Hearing is scheduled for May 25, 2004.*)

Ordinance #3463 – Amend Code Chapter 112, Development Ordinance, Section 112-6B(1), Official Zoning Map to change to designation of Block 468.08, Lot 1 from OP Zone to CR Zone and Block 468.08, Lot 2.01 from M-2 Zone to CR Zone. (*Public Hearing is scheduled for May 25, 2004.*)

Mr. Rainone explained that both zoning ordinances are to be referred to the Planning Board and two hundred (200) foot notice of property owners is required.

Resolution #04-193 - Authorizing Capital Connection Installment Payment Plan to Caribbean Palace Investment regarding Block 154, Lot 25 pursuant to NJSA 54:5-19.

Mr. Regan expressed his concerns regarding this resolution, noting he was surprised to see an installment payment plan without penalties. Mr. Daly explained that this property is located on Hamilton Street was vacant for ten years and the present owner is making major investment improvements which resulted in heavy capital costs and the installment plan will help the property owner to make the payments over time.

Resolution #04-194 – Rejecting Request of Release of Performance Bond – Docket #P94010P – Parkside Realty Associates, LP – EDRA/Countryside at Franklin 2 – Townhouses/Apartments – Rolling Hills Drive, Gallop Lane, Saddle Court, Stallion Court, Pasture Trail, Reins Court and Mustang Trail – Block 33.04, Lot 57.01.

Mr. Regan expressed his concerns of the Township losing interest. Mr. Daly replied the resolution involves escrow and the Township is not losing interest.

Resolution #04-200 – Authorizing refund to water overpayments.

Mr. Regan asked how the water overpayment occurred. Mr. Daly replied the Township has obtained new meter reader equipments and errors were made resulting in overcharges.

Resolution #04-202 – Authorizing purchase of GEO TMS Licenses – four (4) additional licenses for Building Department in the amount of \$14,980.00.

Mr. Regan asked what GEO TMS Licenses were and the reason the Township needs four (4). Mr. Daly replied this is the software used to track zoning, planning and building permit applications. The need for four licenses is so that each subcode official has one.

Resolution #04-204 – Awarding State Contract to Dictaphone for the maintenance for Police dictaphone telephone and radio recording 9-1-1 equipment from July 1, 2003 to June 30, 2004 in the amount of \$12,607.00.

Mr. Regan asked if said resolution was needed because the integrated trunk radio system was behind schedule. Mr. Daly replied yeas and stated the Police Chief made management changes and there was no indication the integrated trunk radio system was behind schedule. Mr. Daly reported he has asked for a full report and comparison of the new versus the old time line to be made to the Financial Oversight Committee.

Resolution #04-205 – Certification of Review of Annual Report of Audit SFY2003 – Local Finance Board of the State of New Jersey.

Mr. Regan requested this resolution be removed from the Consent Agenda and voted on separately since each Council member has to certify that have complied with the statute requirements regarding review of the audit.

Resolution #04-207 – Amending SFY2004 – SFY 2009 Capital Budget Plan to include SCIA Improvements – Utility Body and Pickup Trucks in the amount of \$152,250.00.

Mr. Daly explained said expenditures were in the debt portion of the capital budget and this is moving the expenditure from one section to another – it is not a new expenditure.

Resolution #04-209 – Authorize Transfer of Liquor License #1808-33-007-005 from BMBE, Inc., t/a Halftime Pub to Franklin Town Pub & Liquor Inc.

Mr. Sumter asked for clarification of the aforesaid resolution. Ms. McCarthy stated the resolution authorizes the transfer of the liquor license from its present owner to the new owner. She stated the existing conditions on the license would continue under the new ownership. Mr. Regan added the transfer application was investigated by the Police Department and everything is in order.

Resolution #04-210 – Amend existing contract with Health Net of the Northeast for employee health insurance for additional funding for July 1, 2003 – June 30, 2004 contract period in the amount of \$100,000.00.

Mr. Regan questioned the increase to the aforesaid contract. Mr. Daly replied the number of employees enrolled in Health Net increased. The expenditure is being moved from one insurance to another.

Appointment of as Class III Member of the Planning Board for an unexpired one-year term ending December 31, 2004.

Fred A. McKenzie will be appointed to the aforesaid position on the Planning Board.

The following items from the Consent Agenda were tabled:

bb) Appointment of \_\_\_\_\_ as Alternate #2 of the Sewerage Authority for the unexpired five-year term ending January 31, 2009.

- cc) Appointment of \_\_\_\_\_ as Regular Member of the Senior Citizen Advisory Committee – Franklin Park Senior Citizen Club for an unexpired one-year term ending December 31, 2004.
- dd) Appointment of \_\_\_\_\_ as Regular Member of the Senior Affordable Housing Advisory Committee for an unexpired three-year term ending December 31, 2005.
- ee) Appointment of \_\_\_\_\_ as General Public Member of the Veterans Memorial Committee.
- ff) Appointment of \_\_\_\_\_ as Council Representative to Historic Preservation Designation Study Committee.

### COUNCIL DISCUSSION ITEMS

Ms. Eberle reported that the Senior Citizen Clubs have requested that the June 24 Council meeting scheduled for 8 a.m. be changed to a Saturday or a later time on the 24<sup>th</sup>. Mr. Rainone replied that it cannot be held on a Saturday. Mr. McKenzie stated if the meeting was held at a later time, it may result in Council members missing a hold day of work instead of half a day. It was the consensus of the Council to keep the June 24<sup>th</sup> meeting of the Council at 8 a.m.

### APPROVAL OF MINUTES

#### Regular Meetings of April 13, 2004

Deputy Mayor McKenzie moved to approve the minutes of the April 13, 2004 Regular Meeting. The motion was seconded by Ms. Eberle.

Mr. Regan asked that the word “fight” be changed on page 14 in his comments.

The minutes of the April 13, 2004 Regular Meeting was approved as amended as follows upon call of the roll:

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

### WARRANTS

Read by Mayor Levine:

1	Current	282,502.04
5	Water Operating	437,244.55
4	General Capital	46,890.87
15	General Trust	37,605.13
18	Self Insurance Trust	6,097.46
21	Recreation Trust	5,822.33
12	Open Space Trust	15,634.88
2	Grant	7,143.45
3	Collector Trust	31,455.51
22	Payroll	273,509.94
13	Redevelopment Agency	
23	Agency	231,421.46
	SUB-TOTAL	1,375,327.62
	Escrow Account	35,797.98

GRAND TOTAL 1,411,125.60

Motion was made by Deputy Mayor McKenzie and seconded by Ms. Ashley-Williams to approve the Warrants.

Township Clerk McCarthy polled the Mayor and Council, the vote being as follows:

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

Motion was carried.

Mr. Chivukula arrived at 8:27 p.m.

### ORDINANCES, ADOPTION

**Ordinance #3431:** An Ordinance to Acquire by Purchase or Condemnation certain lands within the Township of Franklin, Somerset County, 0.703 acre portion of Block 34.09, Lot 59.02 – Vliet Road for Purchase of Land under Water Tank.

**Ordinance #3432:** Capital Ordinance Providing for the Acquisition of a Utility Easement on Block 34.09, Lot 59.02, in and by the Water Utility of the Township of Franklin, in the County of Somerset, State of New Jersey (the "Township"); Appropriating \$65,000 therefor from the Water Utility Capital Improvement Fund of the Township to pay the cost thereof.

A motion was made by Mr. Sumter, seconded by Deputy Mayor McKenzie to open the public hearing on the aforesaid ordinances. Said motion carried unanimously upon call of the roll.

Hany Salib, 11 Cobbler Circle, represented 120 residents who signed a petition in support of the aforesaid resolutions. He reiterated his support of said ordinances.

Ron Schlag, 37 Champlain Way, supported the ordinances, noting they are beneficial to the Township.

Crystal Stull, 9 Cobbler Way, supported the ordinances.

Bob Jensen, 26 Bennington Parkway, asked if the \$65,000 is the entire cost. Mr. Daly replied it is the appraised value of the property and the full price to be used in negotiations.

A motion was made by Deputy Mayor McKenzie, seconded by Mr. Regan to close the public hearing on the aforesaid ordinances. Said motion carried unanimously upon call of the roll.

Deputy Mayor McKenzie requested the status of the carrier looking for another location. Mr. Daly replied studies were conducted in the area and it was found the antenna has to be located in this area. He stated if the ordinances are not adopted, the carrier will continue their application with the Zoning Board and construct a 120-foot tower in this area. Mr. Daly explained that the Beacon Hill Homeowners Association own the land under the tower and will not amend the easement.

Deputy Mayor McKenzie asked if there were any health concerns. Mr. Daly replied the FCC has rules and there are no scientific basis to hear arguments regarding health concerns.

Ms. Eberle asked if the carrier looked at other alternatives. Mr. Daly replied in the affirmative.

Ms. Ashley-Williams announced she would be recusing herself from voting on these ordinances. She explained the tower is physically on Beacon Hill property that the Association owns. She expressed her concerns and cautioned Council about using condemnation to obtain the property. She expressed her desire of Council finding a better way to settle this matter.

Mr. Rainone stated that a permitted use of the land and water tower includes cell antennas. He stated the structure is owned by the Township and the land is owned by the Association with easement rights to the Township. The land can only be used for the water tower. The Association cannot use the land for anything else.

Mayor Levine made reference that usually the Township owns land under a water tower. Mr. Daly replied that was correct and an error was made 15-20 years ago. The land was given to the Association to allow more buildable units in development.

Ms. Eberle asked if neutral experts were obtained to review this matter. Mr. Daly replied that Planning and Engineering Consultants were hired to conduct studies that resulted in an ordinance where a permitted use of the water tower is cell antennas. Ms. Eberle asked if the Association would reconsider their decision. Mr. Daly replied he was unsure and stated that they held two board meetings and voted against amending the easement.

**Ordinance No. 3431**

Mayor Levine offered the following ordinance:

**AN ORDINANCE TO ACQUIRE BY PURCHASE OR CONDEMNATION CERTAIN LANDS WITHIN THE TOWNSHIP OF FRANKLIN, SOMERSET COUNTY, 0.703 ACRE PORTION OF BLOCK 34.09, LOT 59.02 – VLIET ROAD FOR PURCHASE OF LAND UNDER WATER TANK** and stated this ordinance is called up for second reading and final passage. The Township Attorney has approved the Affidavit of Publication and public hearing was held on February 24, 2004 and April 27, 2004.

Mr. Chivukula moved final passage of the ordinance and publication in accordance with law. Said motion was seconded by Mr. Sumter.

The Township Clerk polled the Council and it carried as follows:

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

**Ordinance No. 3432**

Mayor Levine offered the following ordinance:

**CAPITAL ORDINANCE PROVIDING FOR THE ACQUISITION OF A UTILITY EASEMENT ON BLOCK 34.09, LOT 59.02, IN AND BY THE WATER UTILITY OF THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$65,000 THEREFOR FROM THE WATER UTILITY CAPITAL IMPROVEMENT FUND OF THE TOWNSHIP TO PAY THE COST THEREOF** and stated this ordinance is called up for second reading and final passage. The Township Attorney has approved the Affidavit of Publication and the public hearing was held on February 24, 2004 and April 27, 2004.

Mr. Chivukula moved final passage of the ordinance and publication in accordance with law. Said motion was seconded by Mr. Sumter.

The Township Clerk polled the Council and it carried as follows:

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

**PROCLAMATION**

*National Youth Against Violence Month*

Mayor Levine, with Mr. Regan, presented the following proclamation to the youths from the Character Assets program:

**WHEREAS**, thirty-two percent of young people have been bullied at least once and twelve percent have been bullied five times or more in the past month; and

**WHEREAS**, teenagers are two times more likely than others to be victims of violent crime; and

**WHEREAS**, the safety and well-being of many students, teachers, and school staff are unnecessarily jeopardized each day by crime and violence and far too frequently we hear about instances of substance abuse, gang activity, bullying, poor discipline, vandalism, and violence in our schools; and

**WHEREAS**, the issue of school and community violence continues to be intimidating to all and inhibits the means of achieving academic and social success; and

**WHEREAS**, youth have taken a proactive role in schools and communities to prevent violence; and

**WHEREAS**, youth have risen to the call of their fellow classmates, and now the call is louder than ever; and

**WHEREAS**, the people of our country are concerned with the level of violence in our schools and communities and that is why we are supporting the National Youth Violence Prevention Campaign; and

**WHEREAS**, the youth of our country are working to enhance the learning environment by helping to promote good citizenship and by making schools and communities safer and more secure; and

**WHEREAS**, schools, school districts, communities, law enforcement, government agencies, and corporate sponsors from across the country are uniting to protect our most valuable and vital resource, Our Youth;

**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 the month of April as *“National Youth Violence Prevention Month”* with the theme of *Youth Making Peace Work Against Violence* in our community of Franklin Township, State of New Jersey.

Mr. Regan stated the youths are important to the Township and it is important to recognized those who are involved in this program.

Lee Traynor spoke about the Character Assets program. She explained that these youths set up a campaign table and gathered over 236 proclamation signatures from youths and adults in the community. The local campaign effort is part of the Service Learning component of the Character Assets program and was created and implemented as an original youth driven community initiative.

**ORDINANCES, PUBLIC HEARING**

**Ordinance No. 3448**

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 178 PHILLIPS ROAD FOR APT. 167 and 174 BAIER AVENUE, APT. 106)**

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

A motion was made by Deputy Mayor McKenzie to open the public hearing on the aforesaid ordinance. Said motion was seconded by Mr. Sumter and carried unanimously upon voice vote.

There being no comments from the public, a motion was made by Mr. Sumter to close the public hearing on the aforesaid ordinance. Said motion was seconded by Mr. Regan and carried unanimously upon voice vote.

A motion was made by Deputy Mayor McKenzie to adopt the ordinance on final passage and publication in accordance with law. Said motion was seconded by Mr. Chivukula and carried as follows upon call of the roll:

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

**Ordinance No. 3449**

Mayor Levine offered the following ordinance:

**AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY AUTHORIZING ACQUISITION OF DRAINAGE EASEMENT - BLOCK 468.08/LOT 2.03 - FIRST INDUSTRIAL LP (MARY KAY)**

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

A motion was made by Deputy Mayor McKenzie to open the public hearing on the aforesaid ordinance. Said motion was seconded by Mr. Sumter and carried unanimously upon voice vote.

There being no comments from the public, a motion was made by Mr. Sumter to close the public hearing on the aforesaid ordinance. Said motion was seconded by Mr. Chivukula and carried unanimously upon voice vote.

A motion was made by Deputy Mayor McKenzie to adopt the ordinance on final passage and publication in accordance with law. Said motion was seconded by Mr. Chivukula.

Mr. Regan requested that the ordinance be amended to add the reason for the 20-foot easement. Mr. Rainone explained the ordinance is a result of a Planning Board approval. Mr. Daly suggested the wording " i.e. drainage system of the township" be added. Mr. Regan asked that from this point on the reason for the easements be stated in the ordinance. Mr. Chivukula recommended ordinance templates that are more reader friendly.

A motion was made by Mr. Regan, seconded by Mr. Chivukula to adopt the ordinance as amended. Said motion carried as follows upon call of the roll:

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

**Ordinance No. 3450**

Mayor Levine offered the following ordinance:

**AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY AUTHORIZING ACCEPTANCE FROM VLIET 27, LLC, OF DEED FOR BLOCK 32/LOT 1.02**

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

A motion was made by Mr. Chivukula to open the public hearing on the aforesaid ordinance. Said motion was seconded by Mr. Sumter and carried unanimously upon voice vote.

There being no comments from the public, a motion was made by Mr. Chivukula to close the public hearing on the aforesaid ordinance. Said motion was seconded by Mr. Sumter and carried unanimously upon voice vote.

A motion was made by Mr. Chivukula to adopt the ordinance on final passage and publication in accordance with law. Said motion was seconded by Mr. Sumter and carried as follows upon call of the roll:

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

**Ordinance No. 3451**

Mayor Levine offered the following ordinance:

**AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY AUTHORIZING ACCEPTANCE**

**FROM GREEN HILL MANOR, OF DEED FOR BLOCK 20.02/LOTS 16.01  
AND 12.05**

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

A motion was made by Mr. Chivukula to open the public hearing on the aforesaid ordinance. Said motion was seconded by Mr. Sumter and carried unanimously upon voice vote.

There being no comments from the public, a motion was made by Mr. Sumter to close the public hearing on the aforesaid ordinance. Said motion was seconded by Mr. Chivukula and carried unanimously upon voice vote.

A motion was made by Mr. Chivukula to adopt the ordinance on final passage and publication in accordance with law. Said motion was seconded by Mr. Sumter and carried as follows upon call of the roll:

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

Mr. Rainone reported the aforesaid ordinance provides for the acquisition of 75 acres of open space at no cost to the Township. The cost to purchase these acres would have been approximately \$18 million. Mr. Daly stated this is a good example of conservation and development planning by the Open Space Advisory Committee, Planning Board and Township Council. Mayor Levine noted the Township is 32% preserved.

**PUBLIC DISCUSSION**

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

Bob Jensen, 26 Bennington Parkway, asked where the 75 acres were located. Mr. Daly replied on Bunker Hill Road – Ten Mile Run. He stated there is a sign placed on the property. Mr. Regan stated there are signs on all open space property. He stated Mr. Jensen can obtain an inventory of open space properties at the Open Space Advisory Committee meetings.

Mr. Jensen asked if the Township condemned or purchased the water tower property. Mr. Rainone replied that the Township would negotiate up to \$65,000 for the property. If they refuse to negotiate, the Township has the option to proceed with condemnation.

Jan Ten Broeke, 2346 Amwell Road, congratulated Council on acquiring open space property. Mr. Broeke opposed the improvements made to Schoolhouse Road, improvements on Weston Canal Road and the proposed ordinance to rezone the Pillar of Fire property. He recommended that the housing units be located on Route 27 where public transportation is available. He also expressed his opinion that there is an overbuilding of senior housing.

Reverend S. Ray Crawford, Pillar of Fire Board of Directors, stated the first seventy-five (75) years it was a farming community and over the last 25-30 years, the farmers have been struggling. He stated the Planned Adult Community Zone is responsible development and an asset to Franklin Township. He supported the ordinance.

Courtney Throckmorton, 591 Somerset Street, commended the Township Council for their careful thoughts in deciding the water tower land matter. He also commended the Council for saving the Township money and acquiring open space.

Mr. Throckmorton expressed his concerns and opposition with tax abatements, the Redevelopment Agency and eminent domain. He requested the vacancy on the Redevelopment Agency be filled with a resident who owns property in the redevelopment area.

Mr. Throckmorton expressed his agreement to change the name of the 4<sup>th</sup> of July Celebration to the Independence Day Celebration.

Mayor Levine asked if the Gateway Project has requested payment in lieu of taxes and if so, it would be a Council decision. Ms. Ashley-Williams stated it was one item of discussion at the last Redevelopment Agency meeting and the Agency does not know what the final plan is yet.

Lucretia Corteylou, 1982 Amwell Road, expressed her concerns with the Griggstown/Nepote project. She stated that open space comes with a price. She requested a copy of the open space budget. Ms. Corteylou stated she is not against open space, she is questioning if it is the right time for the project. She asked how a question be placed on the ballot asking the voters what their intent is for the use of open space monies.

Mr. Daly replied the open space budget is available in the Clerk's Office. He stated expenses and breakdowns are reported in a monthly report at the Open Space Advisory Committee meetings. The question can be placed on the ballot by petition (15% of the votes case at the last general election) or by ordinance.

Mr. Regan stated that the money from the open space fund could be used for purchase and maintenance of open space lands. The only way the tax can be increased is with the approval of the voters.

Christine Pasture, 9 (inaudible) Terrace, stated that the Recycling Center can do much more that it does currently. She stated Piscataway Township is open five (5) days a week and one (1) night. Bulk collection is twice a year and brush is once a year with no additional charges. She stated that Franklin Township has fees for everything. She expressed her opinion that Franklin residents pay a lot and do not receive much in return.

Mr. Daly replied this issue will be discussed during the budget process.

Ron Schlag, 37 Champlain Way, disagreed with Mr. Broeke's comments regarding improvements to Weston Canal Road. He stated that it is great that Franklin Township has the foresight in open space and senior housings as alternates to sprawl.

Harold Leventhal, 360 DeMott Lane, took offense to statements against senior citizens and senior housing on a flyer distributed anonymously. He also opposed statements by speaker that senior affordable housing belongs on Route 27.

Mr. Leventhal asked what the new rules were for public discussion. Mayor Levine replied that each speaker will have five (5) minutes.

Philip Kramer, 429 Canal Road (TUF), asked if the waiving of fees extends to all combat personnel. Mr. Kramer opined that the articles by the Mayor and Deputy Mayor in the Township newsletter are not appropriate and may be considered political. He stated the newsletter should be limited to information only. He suggested that the Township Manager, who is neutral and non-political, write articles instead.

Mr. Chivukula stated the articles intended to introduce new Council members and the Mayor to the public. He stated the articles were not intended to promote politics. Ms. Ashley-Williams stated the Public Relations Committee reviews all articles and edit them if needed. The articles were a way to communicate who Council is.

Mayor Levine stated the Public Relations Committee consists of Mr. Chivukula, Deputy Mayor McKenzie, Ms. Ashley-Williams and himself. The articles were kept generic and were intended to inform the people who is on Council. He stated that many township newsletters contain reports from the Mayor.

Mr. Kramer thanked Ms. Ashley-Williams for her comments at the last meeting regarding public discussion.

Hilda Jensen, 26 Bennington Parkway, reminded everyone of the public meeting tomorrow at 7 p.m. at the Franklin Park School with the NJDEP regarding the contaminated wells in Franklin Park. She asked when the annual water report would be completed. Mr. Daly replied by the end of May.

Thomas Vislocky, 60 McGruffy Road, offered his services to be appointed to the vacancy on the Redevelopment Agency. He stated that there has been no measure of progress of the Agency since its inception.

Shirley Pietrucha, 49 9<sup>th</sup> Street, stated she has requested repeatedly that the sentence regarding "meeting not opened to public at worksessions" be removed from the website. She asked that the meeting information on the marquee be expanded to type of meeting and times.

Ms. Pietrucha asked when the Finance subcommittee meets, are the meetings advertised and are they opened to the public. Mr. Rainone replied the subcommittee is less than a quorum and not required to be advertised. Ms. Pietrucha implied that decisions are being made during these meetings. Mr. Rainone stated the Finance subcommittee does not make decisions, they bring their recommendations and/or advise to the Council as a whole for their action. Ms. Pietrucha asked how is the information reported. Mr. Regan replied some reports are written and others are oral at public meetings.

Ms. Pietrucha asked if the public can review the warrants. Mr. Daly replied they are available in the Clerk's Office.

Mayor Levine restated his goal that reports are in writing.

### COUNCIL COMMENTS

Mr. Rainone, in response to earlier comments made about the Planning Adult Community District ordinance, clarified that there are 50 units of senior affordable housing proposed to the township and it is illegal to segregate affordable housing in a particular area of the Township. He stated there would be facilities within walking distance. Mr. Daly stated the ordinance prohibits access to Weston Canal Road.

Ms. Eberle reported the draft environmental impact study in connection with Route 92 is completed and public comments are scheduled for May 20, 2004 from 7-9 p.m. at the Radisson Hotel. She reminded Council that they have previously opposed the construction of Route 92 because of its impact on the Kingston area and Route 27.

Mr. Regan referred to Consent Agenda Item #17 r – the Corrective Action Plan resolution. He stated the Financial Oversight Committee took their responsibility seriously and worked with the Township Manager and Chief Financial Officer on implementing a schedule to correct the deficiencies listed in the audit. He stated that they do not expect to see to same findings in the next audit.

Deputy Mayor McKenzie asked if the Financial Oversight Committee has addressed the addition to the municipal building issue. Mr. Daly reported that bids have been received twice and have been over budget. He stated if they negotiate contracts, it would have to be with the same specifications and would probably be over budget once again. The Consulting Engineer has recommended that the Township wait a year before proceeding with the improvements to

see if the market breaks. If not, there will be a need to discuss additional funding for the project. Mr. Daly stated that a temporary alternative during the interim has begun by taking some space from Engineering so that the three (3) code inspectors can have desks in the office. They are looking into renting a trailer for the IT Department to provide more space for the Code Department.

Mr. Unger reported that Arbor Day was a success and forty (40) trees were planted from the Post Office to New Brunswick Road.

Mr. Sumter stated that Mr. Sumter's comments regarding the First Baptist Church are not good and never the truth. He stated he resents Mr. Throckmorton's comments.

Ms. Ashley-Williams saluted Reverend Crawford for maintaining a farm for 125 years. She stated it is difficult for farmers to succeed today when developers are offering them money to sell.

Mr. Chivukula asked that Council not forget Mr. Seigel's request of a resolution honoring John Grosso.

### INTRODUCTION OF ORDINANCES

#### Ordinance No. 3458

Mayor Levine presented the following ordinance:

**AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY AUTHORIZING DEED OF AGRICULTURE EASEMENT AND EXTINGUISHMENT OF DEVELOPMENT RIGHTS** which is presented to the Township Council for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on May 25, 2004.

The aforesaid ordinance was moved by Mr. Chivukula and seconded by Deputy Mayor McKenzie. Said motion carried as follows upon call of the roll:

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

#### Ordinance No. 3459

Mayor Levine presented the following ordinance:

**AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY AUTHORIZING ACCEPTANCE FROM THE WOODLANDS AT SOMERSET, LLC OF A DRAINAGE AND ACCESS EASEMENT FOR LOTS 3.14 AND 3.15 IN BLOCK 508.02** which is presented to the Township Council for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on May 25, 2004.

The aforesaid ordinance was moved by Mr. Chivukula and seconded by Mr. Sumter. Said motion carried as follows upon call of the roll:

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

Sumter                      Unger

**Ordinance No. 3460**

Mayor Levine presented the following ordinance:

**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** which is presented to the Township Council for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on May 25, 2004.

The aforesaid ordinance was moved by Mr. Chivukula and seconded by Mr. Sumter. Said motion carried as follows upon call of the roll:

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

**Ordinance No. 3461**

Mayor Levine presented the following ordinance:

**AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY – CHAPTER 75 – ALCOHOLIC BEVERAGES, SECTION 75-9, FEES** which is presented to the Township Council for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on May 25, 2004.

The aforesaid ordinance was moved by Mr. Chivukula and seconded by Mr. Sumter. Said motion carried as follows upon call of the roll:

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

Mr. Regan announced this the first increase to these fees in the last three and half (3 ½) years.

**Ordinance No. 3462**

Mayor Levine presented the following ordinance:

**AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 112, BY ADDING PLANNED ADULT COMMUNITY (PAC) DISTRICT** which is presented to the Township Council for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption to be determined by Township Council.

The aforesaid ordinance was moved by Mr. Unger and seconded by Ms. Ashley-Williams. Said motion carried as follows upon call of the roll:

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

Ordinance No. 3463

Mayor Levine presented the following ordinance:

**AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 112, DEVELOPMENT, SECTION 112-6B(1), OFFICIAL ZONING MAP** which is presented to the Township Council for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on a date to be determined by Township Council,

The aforesaid ordinance was moved by Mr. Unger and seconded by Mr. Sumter. Said motion carried as follows upon call of the roll:

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

**CONSENT AGENDA**

Upon motion by Mr. Chivukula, seconded by Ms. Ashley-Williams, the following Consent Agenda Items (a – aa and omitting “q”) were adopted as follows upon call of the roll:

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

**Resolution #04-189:** Authorizing Mayor to execute Affordable Housing Coordinating Agency Agreement with Somerset County Coalition on Affordable Housing from July 1, 2004 to June 30, 2005.

**BE IT AND IT IS HEREBY RESOLVED** by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey, that the Mayor and Township Clerk are hereby authorized to execute on behalf of the Township, a contract with Somerset County Council on Affordable Housing for the period July 1, 2004 to June 30, 2005 for the administration of the Township's Affordable Housing Program at a cost of \$71,400.00; and

**BE IT FURTHER RESOLVED** that this authorization is subject to amendment of the Contract document, on file with the Township Clerk and available for public inspection, as to Compensation to provide the Township a period of 60 days for payment of monthly service fee before interest shall be charged.

**BE IT FURTHER RESOLVED** that this contract is subject to the availability of funds in the FY2005 Budget and this contract can be cancelled if funding is not available.

**BE IT FURTHER RESOLVED** that continuation of the terms of this contract beyond June 30, 2004 is contingent upon availability of funds in the 2005 FY Budget, and in the event of unavailability of such funds, the Township of Franklin reserves the right to cancel this contract.

**Resolution #04-190:** Granting Municipal Consent to Elizabethtown Water Company to provide service to Block 516, Lot 6.05.

**WHEREAS**, the Township of Franklin, Somerset County, New Jersey is desirous of providing water services to the site known as Block 516, Lot 6.05 of the Franklin Township Tax Maps, and designated on the attached plan as Exhibit A; and

**WHEREAS**, the Elizabethtown Water Company, a public utility corporation of the State of New Jersey rendering water service subject to the regulation of the New Jersey Board of Public Utilities, has indicated a willingness to provide water service to the site;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin, County of Somerset, State of New Jersey that consent is hereby granted to Elizabethtown Water Company, its successors and assigns, to construct, lay and maintain and operate the necessary mains, pipes and appurtenances for the rendering of water services, beneath such public roads, streets, avenues, parks, parkways, sidewalks, lanes, alleys, squares and other public places as it may deem necessary for its corporate purposes and to construct and maintain hydrants on or along such roads and other places within the service area of the Township provided that whenever an opening or excavation is made for the purposed aforesaid, it shall restore all such public places to a condition at least as good as existed prior to the commencement of such opening or excavation; and

**BE IT FURTHER RESOLVED** that Elizabethtown Water Company shall seek the approval of the New Jersey Board of Public Utilities, or its successors, for the approval of this franchise consent; and that all services and activities undertaken by Elizabethtown Water Company hereunder shall be in accordance with the applicable statutes of the State of New Jersey, and regulations, rules and orders of the agencies of the State of New Jersey, including the aforesaid Board of Public Utilities, or its successors, and any tariffs of Elizabethtown Water Company that may be approved by said Board of Public Utilities.

**Resolution #04-191:** Authorizing sale of one (1) Plenary Retail Consumption License and one (1) Plenary Distribution License.

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

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

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

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

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

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

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

1. The Township of Franklin hereby determines that it will sell at public sale one (1) Plenary Retail Consumption License and one (1) Plenary Retail Distribution License for the sale of alcoholic beverages, in accordance with the procedure set forth in NJSA 33:1-19.3 et seq.
2. The Township Clerk shall publish a notice of proposed issuance of the alcoholic beverage license. The notice shall provide the following:
  - a. The Township, by resolution, has determined to consider the issuance of (1) Plenary Retail Consumption License and one (1) Plenary Retail Distribution License by public sale to the highest qualified bidder and invites bids therefore.
  - b. The Notice shall be published in the Courier News not less than two (2) times, which publications shall not be less than one (1) week apart. The second or last notice shall be published at least thirty (30) days before the date established to open all bids from qualified bidders. The minimum time period that must be allowed for bidders to apply for the License is twenty-five (25) days after the second publication.
  - c. All prospective bidder for the license shall apply by submitting to the Clerk of the Township of Franklin in full and complete eleven (11) page application form; a separately sealed envelope with the applicant's bid and bid deposit fee; and a separate Certification of Proof of Compliance by the applicant that it meets any and all special conditions or requirements contained in the Notice and knows of no reason he or she would be disqualified from having an interest in a Retail License in New Jersey.
  - d. The Notice will advise that all bids will be sealed and that the minimum bid for this new consumption license shall be \$300,000.00 along with any terms and conditions related to the bid process, such as deposits, returns, forfeitures, etc.
  - e. The Notice will advise that all bids will be sealed and that the minimum bid for this new distribution license shall be \$300,000.00 along with any terms and conditions related to the bid process, such as deposits, returns, forfeitures, etc.
  - f. The Notice shall state the Township reserves the right to reject all bids if the highest bid is not accepted. A sale may be postponed or canceled at any time prior to opening of the bids.
  - g. The Notice shall specify the time, place and last date that applications and bids will be accepted. Also indicate therein will be the requirement that the Clerk of the Governing Body shall publicly announce those applicants who presumptively meet the qualification for bidding as fixed by law, rules and regulations and the enabling resolution and Notice. This public announcement must occur not less than five (5) days prior to the date of opening the sealed bids.

- h. The time, place and date that the sealed bids will be opened must also be specified in the Notice, which must be no sooner than five (5) days after the public announcement of all presumptively qualified bidders. No bids will be opened from or on behalf of any bidder who does not qualify or has not submitted proof of qualification (full and complete eleven (11) page ABC application form and Certification of Proof of Compliance).
  - i. At the designated time, place and date, the sealed bids will be open and all bid amounts and the highest bid amount will be declared. If the issuing authority determines to reject all bids they shall do so by formal resolution. If they determine to accept the highest qualified bid, that also shall be done by resolution under the conditions that the ultimate issuance of the license will be subject to payment of the balance of the bid price; payment of the State \$200.00 Application Fee; satisfactory outcome of further municipal background checks to investigate the source of funds used to purchase the license and the receipt of favorable State and/or Federal criminal background checks; and the compliance with the publication, hearing and resolution requirement under NJAC 13:2-2.1 et. seq.
3. The minimum bid price for the Retail Consumption license shall be \$300,000.00;
  4. The minimum bid price for the Plenary Retail Distribution license shall be \$300,000.00;
  5. Monday , June 7, 2004, 12:00 noon at the Office of the Township Clerk, 475 DeMott Lane, Somerset , New Jersey is hereby fixed as the last date and time that applications and bids will be accepted;
  6. Tuesday, June 8, 2004, 12:00 noon at the Office of the Township Clerk, 475 DeMott Lane, Somerset. New Jersey is hereby fixed as the date, time and location for a public announcement of all presumptively qualified bidders;
  7. Tuesday, June 15, 2004 at 12 noon at the Municipal Building, 475 DeMott Lane is hereby fixed as the date, time and location when sealed bids will be opened and all bid amounts and the highest bid amount will be declared;
  8. Thursday, June 24, 2004 at 8:00 a.m. a Resolution accepting the highest bid amount will be declared and a Resolution accepting the highest bid or rejecting all bids, as the case may be, shall be adopted;
  9. Ten 10% of the purchase price shall accompany the sealed bid. The deposit shall be cash, certified check or cashier check;
  10. Nothing contained herein shall be deemed to excise or relieve an applicant from compliance with all applicable laws, regulations and ordinances including, without limitation, compliance with all provisions of Chapter 75, Alcoholic Beverages, of the Township Code;
  11. The Township reserves the right to reject any and all bids where the highest bid is not accepted.

**Resolution #04-192:** Authorizing refund of tax overpayments.

**WHEREAS**, there appears on the books of the Collector of Revenue, refunds due, resulting from Tax Overpayments; and

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

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

BLOCK/LOT	NAME/ADDRESS	QTR/YR	AMOUNT
5.02/24	Thompson Rlty. Co. of Princeton	4/2001	1,976.23
5.02/27	195 Nassau Street, Princeton, NJ 08873	4/2001	166.67
33.03/4	Mortgage Service Center – Attn. Refunds Dept. 95 Methodist Hill Road – Suite 100 Rochester, NY 14623	1/2004	2,704.56
386.17/129.13	East Coast Title Agency PO Box 539 East Brunswick, NJ 08816	2/2004	1,182.47
314/14	Wilcox, William & Elaine 110 Irvington Avenue Somerset, NJ 08873	4/2003	250.00

**Resolution #04-193:** Authorizing Capital Connection Installment Payment Plan to Caribbean Palace Investment regarding Block 154, Lot 25 pursuant to NJSA 54:5-19.

**WHEREAS**, Lot 25 in Block 154, as shown on the Tax Map of the Township of Franklin, County of Somerset and State of New Jersey, is assessed to Caribbean Palace Investment; and

**WHEREAS**, Caribbean Palace Investment presently owes the Township of Franklin back capital connection fees for the above mentioned Lot; and

**WHEREAS**, Caribbean Palace Investment proposes to pay the delinquent fee regarding Lot 25 in Block 154 by installment payments pursuant to NJSA 54:5-19; and

**WHEREAS**, as of April 27, 2004, the delinquent fee for Lot 25 in Block 154 will equal an amount of \$7,952.64; and

**WHEREAS**, said proposal will require that Caribbean Palace Investment will pay the Township of Franklin \$500.00 per month commencing on April 1, 2005 and continuing on the first (1<sup>st</sup>) day of each succeeding month until the required amount is paid in full; and

**WHEREAS**, as a condition to permitting the fee to be paid in installments, all utility payments must be paid in full on or before the due date thereof; and

**WHEREAS**, the Township of Franklin may issue a Tax Sale Certificate, conducting a tax sale and/or institute an In Rem Foreclosure proceeding regarding Lot 25 in Block 154, if tax and utility payments are not timely paid and/or monthly installment payment is not made when due;

**NOW, THEREFORE, BE IT RESOLVED** this 27<sup>th</sup> day of April, 2004 that the Township Council of the Township of Franklin, County of Somerset and State of New Jersey, that Caribbean Palace Investment may pay the fee regarding Lot 25 in Block 154, pursuant to NJSA 54:5-19, in accordance with the installment schedule set forth herein and subject to all conditions contained herein.

**Resolution #04-194:** Rejecting Request of Release of Performance Bond – Docket #P94010P – Parkside Realty Associates, LP – EDRA/Countryside at Franklin 2 – Townhouses/Apartments – Rolling Hills Drive, Gallop Lane, Saddle Court, Stallion Court, Pasture Trail, Reins Court and Mustang Trail – Block 33.04, Lot 57.01.

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

ITEM: PERFORMANCE BOND

NAME OF APPLICANT: EDRA aka PARKSIDE REALTY  
ASSOCIATES/COUNTRYSIDE

ADDRESS OF APPLICANT: P.O. Box 41, 2 Yolanda Drive  
Edison, NJ 08817

NUMBER: S02796

INSURANCE CO./BANK: First Indemnity of America Ins. Co.  
119 Littleton Road, Parsippany, NJ 07054

IN THE AMOUNT OF: \$130,870.00

FOR: Site Improvements for Docket No. P94010P - Block 33.04/Lot 57.01, Rolling Hills Drive, Gallop Lane, Saddle Court, Stallion Court, Pasture Trail, Reins Court & Mustang Trail; and

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

**WHEREAS**, by report dated April 15, 2004, the Township Engineer recommends rejection of the request based upon various deficiencies; and

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

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Franklin, Somerset County, New Jersey does hereby reject the request from EDRA aka Parkside Realty Associates, LP/Countryside to release the aforesaid referenced Performance Guarantees for the reasons set forth above.

**Resolution #04-195:** Approving Tax Rate for Fire District 1.

**WHEREAS**, the Tax Assessor has certified to the Township Council that the Assessed valuation of property for 2004 within Fire District No. 1 amounts to \$3,242,863,343; and

**WHEREAS**, the voters of Fire District No. 1 have approved a Budget of \$1,499,573.00 for the Calendar Year 2004; and

**NOW, THEREFORE, BE IT RESOLVED** that the sum of \$1,499,573.00 be allotted to Fire District No. 1 for the Calendar Year 2004 to be distributed to said Fire District as follows: 50% of the money's collected for Fire District No. 1 in the year 2004, in April, 2004 and the balance of the remaining portion of the Fire District No. 1 Budget as approved by the voter, in August, 2004; 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 .047 per hundred dollars valuation to realize the sum of \$1,499,573.00

April 2004 - \$749,786.50

August 2004 - \$749,486.50

**Resolution #04-196:** Approving Tax Rate for Fire District 2.

**WHEREAS**, the Tax Assessor has certified to the Township Council that the Assessed valuation of property for 2004 within Fire District No. 2 amounts to \$1,666,012,367; and

**WHEREAS**, the voters of Fire District No. 2 have approved a Budget of \$1,317,040.00 for the Calendar Year 2004; and

**NOW, THEREFORE, BE IT RESOLVED** that the sum of \$1,317,040.00 be allotted to Fire District No. 2 for the Calendar Year 2004 to be distributed to said Fire District as follows: 50% of the money's collected for Fire District No. 2 in the year 2004, in April, 2004 and the balance of the remaining portion of the Fire District No. 2 Budget as approved by the voter, in August, 2004; 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 \$1,317,040.00

April 2004 - \$658,520.00

August 2004 - \$658,520.00

**Resolution #04-197:** Approving Tax Rate for Fire District 3.

**WHEREAS**, the Tax Assessor has certified to the Township Council that the Assessed valuation of property for 2004 within Fire District No. 3 amounts to \$1,364,737,875; and

**WHEREAS**, the voters of Fire District No. 3 have approved a Budget of \$1,110,635.00 for the Calendar Year 2004; and

**NOW, THEREFORE, BE IT RESOLVED** that the sum of \$1,110,635.00 be allotted to Fire District No. 3 for the Calendar Year 2004 to be distributed to said Fire District as follows: 50% of the money's collected for Fire District No. 3 in the year 2004, in April, 2004 and the balance of the remaining portion of the Fire District No. 3 Budget as approved by the voter, in August, 2004; 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 .082 per hundred dollars valuation to realize the sum of \$1,110,635.00

April 2004 - \$555,317.50

August 2004 - \$555,317.50

**Resolution #04-198:** Approving Tax Rate for Fire District 4.

**WHEREAS**, the Tax Assessor has certified to the Township Council that the Assessed valuation of property for 2004 within Fire District No. 4 amounts to \$47,000,056; and

**WHEREAS**, the voters of Fire District No. 4 have approved a Budget of \$17,442.00 for the Calendar Year 2004; and

**NOW, THEREFORE, BE IT RESOLVED** that the sum of \$17,442.00 be allotted to Fire District No. 4 for the Calendar Year 2004 to be distributed to said Fire District as follows: 50% of

the money's collected for Fire District No. 4 in the year 2004, in April, 2004 and the balance of the remaining portion of the Fire District No. 4 Budget as approved by the voter, in August, 2004; 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 .038 per hundred dollars valuation to realize the sum of \$17,442.00.

April 2004 - \$8,721.00

August 2004 - \$8,721.00

**Resolution #04-199:** Authorizing a contract with the County of Somerset for participation in the HOME Investment Partnerships (HOME) Program for 2005-2007.

**WHEREAS**, Title II of the Cranston-Gonzalez National Affordable Housing Act, as amended, provides federal HOME Investment Partnership funds being made available to a consortium of geographically contiguous units of government, including urban counties such as Somerset County; and

**WHEREAS**, a consortium of geographically contiguous units of general local government is considered a unit of general local government for purposes of the HOME Program; and

**WHEREAS**, the HOME Program provides affordable housing benefits to persons of low and moderate income in Franklin Township; and

**WHEREAS**, the Township wishes to join a consortium with Somerset County for purposes of participating in the HOME Program; and

**WHEREAS**, to be considered as a HOME Program consortium for FY 2005, proposed jurisdiction must execute a new HOME consortium agreement that:

- a) Agrees to cooperate to undertake or to assist in undertaking housing assistance for the HOME Program.
- b) Authorizes Somerset County to act in a representative capacity for all member units for the purposes of the HOME Program.
- c) Provides that Somerset County be the lead entity and assume overall responsibility for ensuring the consortium's program is carried out in compliance with the requirements of the HOME Program, including requirements concerning a Consolidated Plan.
- d) Authorizes the Mayor to sign the consortia agreement.
- e) Contains a provision requiring each member to affirmatively further fair housing.
- f) Will be for qualification period of Federal Fiscal Years 2005-2007.
- g) States the program year start date to be September 1; and

**WHEREAS**, the Interlocal Services Act (N.J.S.A. 40:8A-1 et seq.) provides a mechanism through which counties and municipalities may enter into agreements for the provision of joint services; and

**WHEREAS**, N.J.S.A. 40:8A-1 et seq. provides that authorization for participation in such cooperative program must be by resolution;

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

1. It does hereby authorize continued participation in the Somerset County HOME Investment Partnership Program Consortium.
2. It does hereby authorize, certify and confirm a certain agreement (hereinafter referred to as "Contract") between the Township of Franklin and Somerset County entitled "Cooperative Agreement".
3. It hereby authorizes full participation by the Township of Franklin in all aspects of the activities provided for within said Contract pursuant to the terms and conditions as more fully set forth in said Contract.
4. It hereby incorporates said Contract into this resolution by reference, as if fully set forth herein.
5. The Mayor and Municipal Clerk are hereby authorized to execute the Contract with the County and copy of said Contract will remain filed in the Office of the Township Clerk for public inspection.

**Resolution #04-200:** Authorizing refund to water overpayments.

**WHEREAS**, there appears on the books of the Collector of Revenue, refunds due, resulting from Water Overpayments; and

**WHEREAS**, the overpayment will be refunded or transferred to the next fiscal year;

**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.

<u>BLOCK/LOT</u>	<u>NAME/ADDRESS</u>	<u>REASON</u>	<u>AMOUNT</u>
119/47	Rolmar In 8 Sedbring Road Somerset, NJ 08873	Overpayment	\$2,583.19

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

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

**Resolution #04-201:** Authorizing Tax Title Lien Redemptions – Outside Buyers.

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

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

**NOW, THEREFORE, BE IT RESOLVED** that the amounts covering the certificates of sale, together 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:** April 10, 1997  
**Block/Lot:** 34.08/54.01 C4409  
**Name & Address:** Dibonaventura, L, N & A  
 30 Valley Road  
 Boonton, NJ 07005 (For 133 Rachel Court)  
**Amount:** \$282.11  
**Make Check Payable To:** Herbert Sehgel  
 PO Box 284, Kingston, NJ 08528  
**Certificate No.:** 97-172  
**Payment Received:** April 12, 2004

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**Date of Sale:** June 10, 2003  
**Block/Lot:** 175/11  
**Name & Address:** Patti, Charles D.  
 124 Kossuth Street  
 Somerset NJ 08873  
**Amount:** \$23,238.20  
**Make Check Payable To:** Crusader Servicing Corp.  
 179 Washington Lane, Jenkintown, PA 19046  
**Certificate No.:** 03-108  
**Payment Received:** April 7, 2004

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**Date of Sale:** June 10, 2003  
**Block/Lot:** 34.07/16.07 C0084  
**Name & Address:** Boston, Regina  
 43 Caitlin Court  
 Franklin Park NJ 08873  
**Amount:** \$543.52  
**Make Check Payable To:** James C. Older  
 87 East Mountain Road, Hillsborough, NJ 08844  
**Certificate No.:** 03-035  
**Payment Received:** April 6, 2004

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**Date of Sale:** June 10, 2003  
**Block/Lot:** 508.02/45  
**Name & Address:** Resta, Frank & Edgar  
 323 Cedar Grove Lane  
 Somerset NJ 08873  
**Amount:** \$1,725.08  
**Make Check Payable To:** Claudette Gaspard  
 17 Dahila Road, Somerset, NJ 08873  
**Certificate No.:** 03-237  
**Payment Received:** April 6, 2004

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**Date of Sale:** June 08, 2000; June 7, 2001; June 13, 2002; June 10, 2003  
**Block/Lot:** 386.17/129.118  
**Name & Address:** Rivera, Roberto Jr.  
 4 Mariano Court  
 Somerset NJ 08873  
**Amount:** \$406.68; \$338.52; \$337.18; \$422.95



LOCATION:	333 Route 27		
AMOUNT DEPOSITED:	\$1,000.00	Heyer Gruel	\$17,000.00
AMOUNT CHARGED:	< 350.00>		<16,080.52>
	\$ 650.00		\$ 919.48
AMOUNT TO BE REFUNDED:	\$1,569.48		

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

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

**Resolution #04-204:** Awarding State Contract to Dictaphone for the maintenance for Police dictaphone telephone and radio recording 9-1-1 equipment from July 1, 2003 to June 30, 2004 in the amount of \$12,607.00.

**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: DICTAPHONE  
3984 Pepsi Cole Drive  
Melbourne FL 32934

ITEMS: Maintenance for Guardian System (911, radio and telephone call recording system) in Police Department

COST: An amount not to exceed \$12,607.00

**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

**WHEREAS**, that continuation of the terms of this contract beyond June 30, 2004 is contingent upon availability of funds in the 2005 FY Budget, and in the event of unavailability of such funds, the Township of Franklin reserves the right to cancel this contract.

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

**Resolution #04-206:** Adopting SFY2003 Audit Corrective Action Plan and Auditor's Recommendations.

**WHEREAS**, the Local Finance Notice No. 92-15 requires the Governing Body to adopt a Corrective Action Plan in relation to recommendations contained in a Municipality's Audit; and;

**WHEREAS**, the Township's SFY 2003 Audit included certain recommendations, which require the adoption of a Corrective Action Plan;

**NOW, THEREFORE, BE IT RESOLVED** that the following Corrective Action Plan be adopted by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey; and

## CORRECTIVE ACTION PLAN FOR SFY-2003 AUDIT REPORT

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**BE IT FURTHER RESOLVED** that two (2) certified copies be forwarded to the Division of Local Government Services; and

### 1. Findings:

A number of interfund balances appeared on the balance sheet as of June 30, 2003 as a result of the operations in fiscal year 2003.

#### **Recommendation:**

That interfund balances be cleared by cash transfers where feasible

#### **Explanation and Comments:**

The Department notes that a number of interfunds exist on the June 30, 2004 balance sheet and should be cleared where possible by cash transfers``

#### **Corrective Actions:**

The interfund balance on the June 30, 2003 balance sheet will be reviewed and cash transfers will be made where feasible. In addition, procedures will be put in place to provide monthly analysis of interfund balances.

#### **Implementation Schedule:**

The review of the interfund balances is currently underway. All necessary and appropriated cash transfers will be made by June 30, 2004 .

### 2. Findings:

During the previous fiscal year several budget accounts in the temporary budget were set up in amounts higher than authorized by the temporary budget resolution. Further, the appropriation reserves reflected an over expenditure prior to the official authorization for transfers

#### **Recommendation:**

That the appropriation ledgers be maintained in accordance with the official actions of the governing body and that over expenditure prior to transfers be avoided.

#### **Explanation and Comments:**

The Department concurs that the appropriation ledgers should be maintained in accordance with official actions of the governing body and over expenditures should be avoided.

#### **Corrective Action:**

The Department will ensure that the budget appropriations are set up to reflect the official actions of Township Council. The Department will also ensure that budget appropriations are proofed to the Township council's official resolution. Further budget appropriations will be reviewed on a regular basis to ensure over expenditures don't occur prior to the official transfers.

#### **Implementation Schedule**

Immediately

### 3. Findings:

The combination of duties currently assigned the payroll clerk creates a situation in which significantly increases the chances that errors going undetected for long periods of time since no one else checks transactions as they occur.

**Recommendation:**

Control over the payroll function be improved

**Explanation and Comments:**

The combination of duties assigned the payroll clerk does increase the chances of errors going undetected and control over these functions will be improved.

**Corrective Action:**

A new position of Deputy Treasurer – Financial Reporting has been created in the finance office that will be providing supervision and analysis of payroll transactions. Further, other staff members in the office will provide additional checks on transaction accuracy. In addition, the payroll function will be going through a re-engineering process to improve accuracy and improve internal controls

**Implementation Schedule**

Starting date for newly hired Deputy Treasurer who will supervise payroll	June 1, 2004
Segregation of duties within payroll operations	Immediately
Re-engineering of payroll process	- January 31, 2005

**4. Findings:**

The cash control in the Department of Public Works demonstrated a lack of safeguard and controls of cash collection.

**Recommendation:**

That procedures be reviewed and implemented to provide for proper control over cash collected at the Public Works Mini Dump

**Explanation and Comments:**

The major cause of the lack of appropriate cash controls is the result of the operations of the mini dump. The mini dump operates on a Saturday schedule consequently the employees worked this assignment on a rotating basis. This resulted in a large number of employees being responsible for cash collections.

**Corrective Action:**

That cash collection at the mini dump will be limited to only two authorized personnel. Procedures have been put in place that will require reconciliation of cash in the following manner.

1. Cash will be reconciled the Friday before the mini dump opens by Public Works administrative staff.
2. Cash will be reconciled upon opening the cash box by the person authorized to handle the cash box on Saturday.
3. Mini dump sticker issued at the mini dump will be pre-number and control to allow reconciliation of cash to stickers issued
4. All purchases will be accompanied by pre- numbered receipts
5. Cash reconciled at the end of the day and placed in a sealed envelope and placed in the safe
6. The cash is then reconciled by the Public Works administrative staff on Monday by a minimum of two employees.

**Implementation Schedule**

Mini dump cash collection procedure immediately

**5. Findings:**

Deposits from outside offices are not always deposited within 48 hours of receipt

**Recommendation:**

That the Township reviews the procedures for adhering to the 48- hour rule N.J.S.A. 40A:5-15 with Departments. That the Finance Office continues to monitor the other officials for turnover of the monies, and monthly reports

**Explanation and Comments:**

Cash collected by outside offices are not being deposited within 48 hours of receipt as required under N.J.S. A. 40A :5-15.

**Corrective Action:**

Cash handling procedures under preparation to be disseminated to Department Heads and employees performing handling cash duties. Further, a training session on proper cash handling procedures will be provided. In addition, finance office shall conduct random quarterly cash counts/reconciliation on outside offices

**Implementation Schedule**

Cash handling procedures completed by May 15, 2004

Training Session by May 30, 2004

Beginning April 2004

**6. Findings:**

Department are using excel spreadsheets as cash books

**Recommendation:**

That the Township reviews the utilization of spreadsheets for cashbook purposes with regards to requirements for permanent record keeping and controls.

**Explanation and Comments:**

Some departments are using spreadsheets for cashbooks purposes. The use of spreadsheets does not constitute a permanent record since it can be modified after the transaction date.

**Corrective Action:**

The department utilizing spreadsheets as cashbook shall also maintain a printed copy of each page of the cashbook that will be signed by the person preparing the spreadsheet and the department head and kept as permanent record as an interim solution. The Finance office will investigate the possibility of using a software program that will provide a more secure method for collecting cash than an excel spreadsheet.

**Implementation Schedule**

Immediately

**7. Findings:**

The amounts issued for the Petty Cash Funds exceed the amount authorized by Township Council

**Recommendation:**

That the Township adheres to N. J. S. A. 40A:5-21, with regards to changes in the monetary amount of Petty Cash Funds

**Explanation and Comments:**

The amounts in the Petty Cash Fund were increased prior to all necessary authorization under N.J.S.A. 40A-5.21

**Corrective Action:**

The Finance office will ensure that changes in the amounts of petty cash funds are authorized in accordance with state statute

**Implementation Schedule**

Immediately

**8. Findings:**

The Township has a number of trust accounts that should be reviewed to ensure that they have dedication by rider as required by statute.

**Recommendation:**

That the Township review trust reserve item for compliance with NJSA 40A:4-39 Dedication by Rider, subject to the prior written consent of the director

**Explanation and Comments:**

The Department should review trust reserves for compliance with NJSA 40A4-39

**Corrective Action:**

The Trust reserve items will be reviewed to determined if they have a dedication by rider. Any item that does not have a dedication by rider shall be forwarded to Council for authorization for dedication by rider

**Implementation Schedule**

June 30, 2004

**9. Findings:**

Reconciling items were not adjusted in the general ledger until year-end

**Recommendation:**

That reconciling items be adjusted in the general ledger on a timely basis, in order to bring the bank reconciliation in proof with the general ledger.

**Explanation and Comments:**

The finance office concurs that reconciling items should be adjusted on a timely basis. Under current operations all reconciling items that were adjusted at year-end are adjusted at the time of occurrence. However, bank reconciliations are not in all cases in proofed with the general ledger for two reasons. One items where not proofed monthly prior to the beginning of my tenure. Consequently adjustments are need for prior months. This information is being gathered to make necessary adjustments. Two, problems with the general ledger opening balances as July 1, 2003 have prevented the proofing of other accounts. The process of adjusting the accounts will be completed by April 30, 2004. At which time all bank reconciliation will be reviewed against the general ledger to ensure they reconcile.

**Corrective Action:**

The finance office is currently correcting the deficiencies in the general ledger that will be completed by April 30, 2004. Once adjustments are made for previous month reconciliation will be reviewed to ensure each month reconciles.

**Implementation Schedule**

Immediately

**10. Findings:**

That some trust reserve balances do not agree with the general ledger balances

**Recommendation:**

That a detailed analysis be performed on the various trust fund subsidiary accounts so the accounts can be brought into agreement with the general ledger

**Explanation and Comments:**

The subsidiary accounts in some cases do not agree with the general ledger

**Corrective Action:**

A detailed analysis will be completed of the trust fund subsidiary accounts. This project is one of the tasks assigned to the new Deputy Treasurer.

**Implementation Schedule**

November 30, 2004

**11. Findings:**

The general Ledger set up in the current finance software is overly detailed which decreases its usefulness

**Recommendation:**

That the general ledger be revised in order to increase its functionality and to insure it agrees with subsidiary ledger

**Explanation and Comments:**

The detailed structure of the general ledger as set up is overly detailed and should be condensed.

**Corrective Action:**

Edmunds & Associates has conducted their initial review of the chart of accounts set up in the financial software (4/8/04). Edmunds and Associates have made their initial recommendations (4/19/04). Edmund's has recommended the consolidation of a number of accounts. The Finance office is currently reviewing the chart of accounts as per the recommendations. The Finance office will then implement the restructuring of the accounts.

**Implementation Schedule**

August 1, 2004

**12. Findings:**

The general ledger and subsidiary ledger for escrows have not been maintained on a timely basis

**Recommendation:**

That the finance office continue to monitor the progress of procedures established to maintain the general ledger and subsidiary ledgers of the Developers Escrow funds.

That the bank reconciliation statements for Developer's Escrow Funds are performed and agreed to the general ledger on a timely basis

**Explanation and Comments:**

Escrow accounts transferred into the new financial system in 2001 were not proofed before transferred. Consequently, significant work is necessary to determine the appropriate balances. Further, Escrow under 5,000 were lumped in a single account. This was done to utilize the escrow tool in the Edmunds software however because the accounts were not proofed before consolidation considerable errors have occurred. The difficulty of the task of reconciliation is that no audit trails exist once these accounts were combined. In addition, the set up of the escrow accounts was linked to the wrong bank account that now needs to be reconciled.

**Corrective Action:**

The Finance Office began the process of correcting the escrow accounts by opening a new escrow account in June of 2003. In September of 2003 the auditor began to assist the Township with reconciling these accounts. The Department has over 650 escrow account to reconcile. The process of correcting the developer escrow will be handled in the following manner:

1. Current escrow accounts will be reconciled to date.
2. The escrow account from the previous years will be proofed and moved to the new bank account

**Implementation Schedule**

Reconciled by July 1, 2004

Old accounts reconciled by October 30, 2004

**13. Findings:**

**Recommendation:**

That the Township establishes procedures to allow for perpetual maintenance of the Fixed Asset Accounting System for compliance with Technical Accounting Directive #2

**Explanation and Comments:**

The Township has completed a survey of fix assets held by the Township up to November of 2003. Procedures for the tracking and tagging fix assets have been put in place. The Township is now inventorying all items that were purchased from the date of survey (November 2003) to present to complete the recording of fixed assets

**Corrective Action:**

Complete inventory of assets purchased between November 2003 and April 1, 2004.

**Implementation Schedule**

June 30, 2004

**BE IT FURTHER RESOLVED** that one (1) copy be filed with the Township Clerk.

**Resolution #04-207:** Amending SFY2004 – SFY 2009 Capital Budget Plan to include SCIA Improvements – Utility Body and Pickup Trucks in the amount of \$152,250.00.

**WHEREAS,** the Township adopted a SFY 2004 – SFY 2009 – Six Year Capital Plan; and

**WHEREAS,** it is desired to amend said adopted capital plan;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Township Council of the Township of Franklin, County of Somerset that the following amendment to the adopted SFY 2004 – SFY 2009 – Six Year Capital Plan herein appended be made:

SICA Improvements	
Utility Body and Pickup Trucks	\$152,250
 Total	 \$10,930,864

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

**BE IT FURTHER RESOLVED** that two certified copies of this resolution be filed forthwith in the office of the Director of Local Government Services.

**Resolution #04-208:** Accept, with regrets, resignation of Robert A. Huether as Citizen Member of the Franklin Township Redevelopment Agency.

**BE IT AND IT IS HEREBY RESOLVED** that the Township Council of the Township of Franklin, County of Somerset, New Jersey, does hereby accept, with regrets, the resignation of Robert A. Huether as a member of the Redevelopment Agency effective April 27, 2004; and

**BE IT FURTHER RESOLVED** that the Township Council does hereby thank and commend the said Robert A. Huether for services performed on behalf of said Township.

**Resolution #04-209:** Authorize Transfer of Liquor License #1808-33-007-005 from BMBE, Inc., t/a Halftime Pub to Franklin Town Pub & Liquor Inc.

**WHEREAS**, an application has been filed for a person to person transfer of Plenary Retail Consumption License No. 1808-33-007-005, heretofore issued to BMBE, Inc. t/a Half Time Pub; and

**WHEREAS**, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

**WHEREAS**, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

**WHEREAS**, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business;

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Franklin, County of Somerset and State of New Jersey does hereby approve effective **May 14, 2004** the transfer of the aforesaid Plenary Retail Consumption License to Franklin Town Pub & Liquor, Inc. and does hereby direct the Township Clerk to endorse the license certificate to the new ownership as follows: **"This license, subject to all its terms and conditions, is hereby transferred to Franklin Town Pub & Liquor, Inc. effective May 14, 2004.**

**Resolution #04-210:** Amend existing contract with Health Net of the Northeast for employee health insurance for additional funding for July 1, 2003 – June 30, 2004 contract period in the amount of \$100,000.00.

**WHEREAS**, the Franklin Township Council awarded a contract for employee health insurance to Health Net of the Northeast on August 13, 2003; and

**WHEREAS**, there is a need to provide additional funds for the July 1, 2003 – June 30, 2004 contract in the amount of \$100,000.00;

**NOW, THEREFORE, BE IT RESOLVED** by the Franklin Township Council that it hereby amends the existing contract awarded under NJSA 40A:11-5 1 (a) – Extraordinary Unspecified Services with Health Net of Northeast to provide an additional \$100,000 to the July 1, 2003 – June 30, 2004 contract.

**Resolution #04-211:** Authorizing Performance Guarantee Release – KF Schoolhouse LLC – Docket No. PLN2002-0010 - \$100,130.04.

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

ITEM: PERFORMANCE BOND

NAME OF APPLICANT: KF PIERCE, LLC  
 ADDRESS OF APPLICANT: 520 US Highway 22  
 Bridgewater NJ 08807

NUMBER: B21839652  
 INSURANCE CO./BANK: Gulf Insurance Company  
 3055 Lebanon Road, Suite 3100, Bldg. #3  
 Nashville TN 37214

IN THE AMOUNT OF: \$100,130.04

FOR: Site Improvements for Docket No. PLN2003-0005 – Block 514.01/Lot 2.04, 615 Pierce Street; and

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

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

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

**Resolution #04-212:** Accepting, with regrets, the resignation of Bernard T. Schrum as Class III Member of the Planning Board, effective April 26, 2004.

**BE IT AND IT IS HEREBY RESOLVED** that the Township Council of the Township of Franklin, County of Somerset, New Jersey, does hereby accept, with regrets, the resignation of Bernard T. Schrum as a Class III Member of the Planning Board effective April 26, 2004; and

**BE IT FURTHER RESOLVED** that the Township Council does hereby thank and commend the said Bernard T. Schrum for services performed on behalf of said Township.

**Appointment:** Fred A. McKenzie as Class III Member of the Planning Board for an Unexpired one-year term ending December 31, 2004.

**Appointment:** Route 287 Task Force.

**Appointment:** *Harold Leventhal* as Alternate #1 of the Sewerage Authority for the unexpired five-year term ending January 31, 2006.

### **RESOLUTION**

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

<b><u>AYES</u></b>	<b><u>AYES</u></b>	<b><u>NAYS</u></b>	<b><u>ABSTAIN</u></b>	<b><u>ABSENT</u></b>
Ashley-Williams	Chivukula			Schrum
Eberle	Levine			



does hereby submit a certified copy of the resolution and the required Affidavit to said Board to show evidence of said compliance.

### ADJOURNMENT

Mr. Chivukula moved to adjourn the meeting at 10:22 p.m. Said motion was seconded by Deputy Mayor McKenzie and carried unanimously upon voice vote.

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Brian D. Levine, Mayor

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Ann Marie McCarthy, Township Clerk

Approved:

Date: