

The Township Clerk called the Work Session/Regular Meeting of the Township Council of the Township of Franklin, County of Somerset, New Jersey, to order at 7:13 p.m.

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

Everyone present participated in the Pledge of Allegiance and Ms. Eberle led the Invocation.

The Township Clerk called the roll.

Present: Ms. Ashley-Williams, Mr. Chivukula; Ms. Danile; Ms. Eberle, Mr. Levine, Mr. McKenzie, Mr. Regan and Ms. Ritchie.

Absent: Mr. Sumter

Also present: Louis N. Rainone, Esq., Township Attorney, Kenneth W. Daly, Township Manager, LaVern Staten-Sanders, Deputy Township Clerk

COMMENDATION

Anna Hills

Mayor Levine and Councilwoman Ritchie presented Ms. Anna Hill the following commendation:

WHEREAS, Anna L. Hills, was born on March 9, 1910 and has been a resident of East Millstone for ninety-two years, making her one of the longest residents in Franklin Township; and

WHEREAS, Anna L. Hills, raised two (2) children which provided her with (5) loving grandchildren and (8) great grandchildren; and

WHEREAS, Ann L. Hills, has been an active member of the East Millstone United Methodist Church since 1914 and has demonstrated her dedication with innumerable volunteer hours and her present employment as Church custodian;

NOW, THEREFORE, I, BRIAN D.LEVINE, MAYOR of the Township of Franklin, County of Somerset and State of New Jersey on behalf of the Township Council, the residents of the Township of Franklin, family and friends, do hereby commend and extend best wishes to

ANNA L. HILLS

on the occasion of her 90th anniversary of being a member of the East Millstone United Methodist Church and do wish Anna the continued health which has enabled her to live a long and independent life.

February 8, 2005

/s/ Brian D. Levine, Mayor

PRESENTATION**Shika Ademu-John**

Councilman Chivukula and Mr. Dato presented Mr. Shika Ademu-John with a check. Mr. Ademu-John thanked his wife, Mr. Dato and Mr. Hasner.

MAYOR'S REPORT

Mayor Levine announced that there are copies of the agendas, resolutions and ordinances by the Deputy Township Clerk. He thanked all of the volunteers involved with the videotaping of Council meetings.

Mayor Levine announced that Congressman Rush Holt held a meeting for Mayors in Middlesex County, which he was invited to attend as Franklin Township is the only Somerset County community in the 12th Congressional district.

Mayor Levine reported that he attended the New Jersey League of Municipalities "Mayor's Legislative Day" in Trenton last Wednesday. Most of the focus was on the proposed Constitutional Convention.

Mayor Levine reported that on Monday, February 7th, Township Council held their annual Council Retreat, the following was discussed:

- Direction for Franklin Township
- Areas of concern
- Areas that need concentration
- Our desire to proactively plan our course

Mayor Levine reported on today's headline in the Courier News. The article was about Timothy Szmborski (Franklin resident), son of a disabled Korean War veteran. The article reported a bill sponsored by Assemblyman CH allowing a tax exemption to surviving spouses of disabled veterans passed unanimously by the New Jersey Assembly. Mayor Levine extended congratulations to Mr. Szymborski for helping his mother, Country and Franklin, for being a pioneer in this effort.

Mayor Levine reported that Franklin has many programs scheduled for Black History Month and that residents should check their mail or with the Township for programs and times. He noted they are extremely entertaining as well as educational.

DEPUTY MAYOR'S REPORT

Deputy Mayor McKenzie continued that February is Black History month and it is very important to recognize the diversity in our community. He also noted the retreat last night was very progressive and the Council would be looking at issues such as looking at the lines of business in the township and how to do things in a new and more efficient manner.

Mayor Levine thanked the video team and township staff. He also noted that the camera and tripod used tonight was purchased by the Township.

REVIEW OF PREPARED AGENDA

Mayor Levine led a discussion of the prepared agenda.

Mr. Regain questioned the summary of item 12b – Ordinance #3518 – Amend Code Chapter 236, Water – Article IV, Water Rates and Meters (An ordinance increasing the minimum per quarter charge dependent on meter size). He stated the amendment is only to correct documentation relative to per gallon charges.

Mr. Rainone replied the summary is not part of the body of the ordinance and serves only as an editorial note.

Mayor Levine stated he was in favor of the section regarding establishing standing committees in Ordinance No. 3525, but object to the adding the Deputy Mayor as one to consult with when preparing the agenda. Mayor Levine asked Township Attorney Rainone if there's a way to amend this ordinance. Mr. Rainone state that in Roberts Rule you can make a motion to amend the ordinance.

Mr. Regan questioned item 16a - Resolution #05-058 – Authorize Agreement with Women's Health & Counseling Center for the treatment and contact investigation of sexually transmitted diseases in an amount not to exceed \$6,000.00. Where is the Women's Health & Counseling Center located. Mr. Daly noted that he would have to check with the Health Director.

Mr. Regan questioned if item 16b was new - Resolution #05-059 – Authorize Agreement with Somerset County Department of Health to conduct environmental investigations such as odor and noise pollution utilizing the powers under the County Environmental Health Act. Mr. Daly stated that this is not new and it is required by State Statute

Mr. Regan questioned funding for item 16c - Resolution #05-060 - Authorize Interlocal Services Public Health Mutual Aid Agreement, which gives the Health Department the authority to work in other Somerset County Communities when emergency public health services are needed. Mr. Daly noted that it was the same as the Mutual Aid Agreements for Fire and First Aid Squads.

Ms. Ashley-Williams requested Consent Agenda Item 16g - Resolution #05-064 – Award Professional Services Agreement – Schoor DePalma – Design a site plan for the Memorial Arboretum (Toto/Gierlich tracts) in an amount not to exceed \$16,455.00 be voted on separately.

Ms. Ritchie requested Consent Agenda Item 16i - Resolution #05-066 – Award Professional Services Agreement – Lenz Enterprises Ltd – Affordable Housing Consultant Housing Consultant Services – Feasibility Study for Affordable Senior Housing in an amount not to exceed \$50,000.00 also be removed from the Consent Agenda and voted on separately due to conflict of interest.

COUNCIL DISCUSSION ITEMS

Proposed Sister City – Freetown City / Sister City Int'l 50th Anniversary

Efren Dato, Hamilton Street Business District Coordinator made a presentation of a proposed Sister City – Freetown City and Sister City International 50th Anniversary. He read the following excerpt on New Markets Theory from a book entitled Planning Local Economic Development Theory and Practice, written by Edward J. Blakey and Ted K. Bradshaw:

“New markets theory is a recent revitalization of several ideas from economic base theory and of earlier claims that inner and rural areas have valuable untapped or underutilized market potential. According to U.S. Department of Housing and Urban Development (HUD), America's inner-city neighborhoods in the year 2000 possessed an unrealized potential purchasing power of \$331 million, or nearly one third of the retail capacity of the nation's urban cities. Rural areas containing new migrants also have large unrealized market potential: For example, the counties that make up the Kentucky highlands in Appalachia are estimated to have more than \$1.3 billion in retail purchasing power (Cuomo 1999). The reason these communities are unserved or underserved relates to misperception and poor information regarding these markets. Retailers have either left these communities or resisted serving them because of the belief that incomes were too low and crime too high to make such markets valuable. But as the national economy has prospered, crime in these communities has fallen to levels that have not been observed for more than three

decades. Moreover, employment participation in both inner city and rural areas has increased.”

Advisory Board of Health Absentee Policy / Definitions of “Excusable Absences”

Mr. Regan made a motion to amend Ordinance No.3527 by striking out “or by counsel” in Section 3-50 - Advisory Board of Health (B) and to introduce Ordinance No. 3527 as 15d. Said motion was seconded by Ms. Danile and carried unanimously upon call of the roll.

Mayor Levine called for a vote on the ordinance, noting that a yes vote would be to delete by “or by counsel” and a no vote would leave the ordinance as is.

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

Hamilton Street Traffic & Circulation Plan

Mr. Daly noted that Mr. Hasner and Mr. Dato were present, but due to the lateness of time that Council refer to the following memorandum:

“As part of the Hamilton Street Revitalization Plan, the NJ Department of Transportation has committed a grant of \$100,000.00 for a traffic and pedestrian circulation and parking improvements study. The goal of these circulation improvements is to increase business exposure, pedestrian traffic and will enliven the commercial district.

Orth-Rodgers & Associates were hired to conduct the study commencing on September 3, 2003 to March, 2004 for a fee of \$23,600.00 providing a balance of \$76,400 for implementation.

Below is a summary of the procedures and the implementation plan recommended by Orth-Rogers:

Project advisory committee was organized and several meetings were held to assist the study composed of township staff including engineering (Russo), planning (Stewart), grants (von Ohlen), economic development (Hasner and Dato), traffic (Vornlocker) with county staff engineering (Norwig), planning (Weeden) and traffic safety (Peterson).

Community (Public) meetings were conducted on May 6, 2004 with two scheduled opportunities at 2-4 pm or 7-9 pm where 23 property and business owners were in attendance. In general, the public responded favorably to the proposed conceptual plans. They particularly seemed to like the idea of the high-visibility crosswalks accompanied by the Yield to Pedestrian signs.

Subsequently, HSBCC Board approved the Orth-Rogers recommendations on September 14, 2004 for submission to the Council. A final community meeting was held on January 24, 2005 from 4 pm to 7 pm where people can come at their convenience. All notices were mailed to property owners, hand delivered and fully discussed at HSBCC board meetings.

At this meeting, there was no criticism made by member of the public of any part of the plan. The only question that could not be resolved was by an attendee who requested that a traffic signal be installed at Home Street and Hamilton Street. He was informed that it could be difficult to meet a warrant for a signal at that location.

Am for the number of comments of Somerset County Engineering on the proposed plans earlier in the study were addressed. The County said:

- They are not currently enthusiastic about the use of physical islands on roadways. In response, the Implementation Plan was changed to indicate that the use of gateway islands needs further study, and that the use of materials “flush” with the pavement should be considered.
- Residents on their other projects had complained about noise emanating from vehicles driving over textured surface. For the Plan, textured crosswalks are shown only in non-residential areas. Further, the plan now recommends first installing painted “Continental-style” crosswalks, and considering textured crosswalks as a subsequent phase.

Also earlier in the study, several attendees of the Hamilton Street Business and Community Corporation meetings had expressed concerns about curb extensions. Therefore, the Plan now recommends evaluating their use at only one or two locations before installing them elsewhere.

Attached is the final report by Orth-Rogers that consisted of both long-term comprehensive approaches and a short-term implementation plan that is acceptable to the County.”

If members of the public need a copy it can be obtained from the Economic Development Department or the Clerk’s Office. Mr. Daly stated they are looking for Council’s direction on this matter.

Ms. Ritchie questioned if this was included in the Master Plan. Mr. Hasner replied it was not anticipated and it is part of the Hamilton Street revitalization. Mr. Daly Stated that unless Council had any objection, they would proceed with the plan.

Meadows Foundation

Mr. John Mullen reported the 2004 Meadows Foundation Annual Report was distributed to Council and operations were restructured and streamlined. He reported the Van-Liew/Suydam House exterior restoration is a top priority. Mr. Daly stated a letter from the Meadows Foundation requesting funding was in the Council’s Packet and the request would be reviewed and bought back to Council.

ATV Problems on Open Space & Use in the Township

Mr. Daly reported he wanted to alert Council of a problem on open space land. He stated that he has received a memo from Sergeant Vornlocker stating the Township cannot do what being asked to do. The Township must go back to the drawing board to see what it can do to control this.

Eco-Heritage Tourism Plan Update

Mr. Loos stated if Consent Agenda Item 16h - Professional Service Agreement for Eco-Heritage Tourism Plan on the agenda was awarded, which is funded by Somerset County, it would basically adopt a plan to be delivered in approximately one year of how to maximize ecological inheritance or tourism here in Franklin Township. The plan would be to gather together the people the represent the various interests in the community, such as representatives of the business community, environmental community, historic preservation community and various government officials.

Mr. Loos explained the process to be taken to implement an eco-heritage tourism plan for Franklin Township. He stated that Council has been very supportive of this effort and there are plans of the Open Space Committee to put together some large native grassland areas down in the southern portion of Township and on the Negri/Nepote native grassland tract. He stated those two sites once established are going to be unique in Central Jersey. He stated there is a huge birding community in the State of New Jersey that moves around the State at different times of the year who spends money on staying in hotels and buying binoculars and eating at restaurants and other things that spin off from that type of recreational activities. He stated he believes by establishing these two large tracts in Franklin Township coupled with the historic

opportunities we have here as well as parks in the area, the Township could capture some of these dollars and in this in long term would be good.

Mayor Levine opened for questions for Mr. Loos.

Ms. Danile questioned if this plan takes into consideration what we currently have and to market that or does it also look at what we might spend to add to the resources so that we can attract people in Franklin Township. Mr. Loos replied that part of the plan is to identify why people are not coming here, which is not going to be easy to do. Ms. Danile questioned whether it would include the cost of what we might need to upgrade. Mr. Loos noted that it may and that he would take under advisement.

Ms. Ashley-Williams noted that this part of the discussion of planning was discussed at the Council Retreat and supported the plan. She questioned whether this plan was part of the Economic Development Office's plan. Mr. Hasner replied that if you look at the business plan, business attraction and business retention are to get more people here and to support our businesses so that they stay in the Township.

Ms. Ashley-Williams stated that she wanted to be clear that this is part of that plan and asked what are the steps and what are they looking to do as far as bringing in more businesses as far as marketing our town. She asked if it was considered as part of the plan and if not then, it should be. Mr. Hasner explained the idea of tourism is part of the plan, but the specifics were not explored and that is why it is not part of the plan.

Ms. Ritchie noted that she support the plan and would be honored to serve as Council Liaison, if such appointment became available.

Mr. Chivukula noted that in 2000 this was discussed. He stated that it has taken more years to implement than originally thought.

Mr. Loos stated the agricultural community would be added into this because there may be some opportunities for tourism dollars to be spent on our farms. New Jersey is really behind in this regard, other States in agriculture have a lot more tourism and people are coming to work on the farms and we'll see if we can encourage that.

Mr. Regan questioned if this was being tied with the work being done with the New Jersey Audubon Society. Mr. Loos replied in the affirmative.

Mayor Levine thanked Mr. Loos and Mr. Hasner and stated he looked forward to working with the Meadows Foundation on this plan.

Franklin Day @ Somerset Patriots Stadium

Mayor Levine proposed to hold a Franklin Day @ Somerset Patriots Stadium. He explained that a section would be reserved for Franklin Township and Township children would do fun things between innings. He stated it would require the Township to purchase 500 tickets at \$5.00 each (\$2,500). The Township would sell the tickets to the residents in town. He stated it would be something to consider for the summer for a nice Community Day.

Mr. Regan concurred with the idea of having a Community Day. Ms. Danile asked if the Parks/Recreation Department would handle this event. Mayor Levine asked that Mr. Daly to look into this. Ms. Eberle stated she felt this was a good idea also.

Mr. Levine stated a list of available dates would be obtained and distributed to Council.

Ms. Ashley-Williams asked if there was a minimum amount of tickets that needed to be purchased. Mayor Levine replied the Township had to purchase a minimum of 500 tickets.

World's Fair Drive letter to County

Mr. Daly stated Council had discussed the removal of the traffic signal at World's Fair Drive and Easton Avenue at an earlier meeting. Council expressed concern and asked that input from the businesses on World's Fair Drive be obtained. Mr. Hasner held a meeting with the businesses on January 27th and they raised some very good issues, some which overlapped, with what some of the Council members had also raised. Mr. Daly asked for approval by Council to send a letter, which states the Township concurs with the County recommendation to remove the traffic signal as long as they take care of the issues that have been raised by the businesses on World's Fair Drive.

Ms. Ashley-Williams thanked Mr. Hasner for having the meeting with World's Fair Drive businesses and supported it 100%.

APPROVAL OF MINUTES

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

Work Session/Regular Meeting - 01/11/05
 Executive Sessions - 01/11/05 & 01/18/05
 Special Meeting - 01/18/05

Said minutes were approved as follows upon call of the roll:

Ayes: Ashley-Williams, Chivukula, Eberle, Levine, McKenzie, and Ritchie
 Nays: None
 Absent: Sumter; Regan (out of room)
 Abstain: Danile (1/11/05 Work Session/Regular Meeting only)

APPROVAL OF WARRANTS

Mayor Levine presented the following warrants in the amount of \$1,437,577.63 for February 8, 2005 to the Township Council for payment:

1	Current	640,535.78
5	Water Operating	74,835.50
6	Water Capital	3,309.46
4	General Capital	197,332.67
15	General Trust	3,004.08
18	Self Insurance Trust	20,552.21
21	Recreation Trust	417.08
12	Open Space Trust	8,795.50
2	Grant	14,734.45
3	Collector Trust	125,937.71
13	Redevelopment Agency	15,167.98
23	Agency	1,236.90
	Sub-Total	1,105,859.32
25	Escrow Account	331,718.31
	Grand Total	1,437,577.63

Deputy Mayor McKenzie moved that warrants in the amount of \$1,437,577.63 for February 8, 2005 to be paid. Said motion was seconded by Ms. Danile and carried unanimously upon call of the roll.

ORDINANCES, PUBLIC HEARING & FINAL ADOPTION**Ordinance No. 3517**

Mayor Levine offered the following ordinance:

AMEND CODE CHAPTER 52, SALARIES & COMPENSATION, SECTION 52-3, ANNUAL BASE COMPENSATION FOR ELECTED AND APPOINTED EMPLOYEES /OFFICIALS; SECTION 52-4, ANNUAL COMPENSATION AND LONGEVITY FOR MANAGERIAL AND EXEMPT EMPLOYEES AND SECTION 52-5, ANNUAL COMPENSATION FOR FULL-TIME WHITE COLLAR MUNICIPAL EMPLOYEES.

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

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

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

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

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

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

Ordinance No. 3518

Mayor Levine offered the following ordinance:

AMEND CODE CHAPTER 236, WATER – ARTICLE IV, WATER RATES AND METERS

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

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

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

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

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

Mr. Regan clarified that this is not an ordinance to increase the rates, it just a correction of documentation as to what the rates are.

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

Ordinance No. 3519

Mayor Levine offered the following ordinance:

BOND ORDINANCE AMENDING BOND ORDINANCE NO. 3364 PROVIDING FOR THE ACQUISITION OF VARIOUS UTILITY VEHICLES, EQUIPMENT AND TOOLS AND THE ACQUISITION OF GIS UTILITY SOFTWARE TO IMPLEMENT GIS MAPPING SERVICES FOR THE WATER UTILITY BY INCREASING THE APPROPRIATION BY \$130,000.

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

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

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

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

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

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

Ordinance No. 3521

Mayor Levine offered the following ordinance:

AUTHORIZE ACQUISITION OF BLOCK 9, LOT 47.22 (11 STEPHEN DRIVE); BLOCK 10, LOT 6.03 (KISS FARM - OLD GEORGETOWN ROAD) AND BLOCK 10, LOTS 2 & 6.04 (80 COUNTY RTE. 518 & 91 OLD GEORGETOWN ROAD) FOR OPEN SPACE PURPOSES.

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

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

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

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

Mr. Regan moved the final passage of the ordinance and publication in accordance with law. Said motion was seconded by 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>
Chivukula	McKenzie	Ashley-Williams		Sumter
Danile	Regan			
Eberle	Ritchie			
Levine				

Ordinance No. 3522

Mayor Levine offered the following ordinance:

RESCINDING BOND ORDINANCE 3509 AND AMENDING BOND ORDINANCE 3256 TO INCLUDE BLOCK 507.14, LOTS 63.01 & 64 (477-479 ELIZABETH AVENUE); BLOCK 9, LOT 47.22 (11 STEPHEN DRIVE); BLOCK 10, LOT 6.03 (KISS FARM - OLD GEORGETOWN ROAD) AND BLOCK 10, LOTS 2 & 6.04 (80 COUNTY RTE. 518 & 91 OLD GEORGETOWN ROAD).

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

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

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

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

Mr. Chivukula moved the final passage of the ordinance and publication in accordance with law. Said motion was seconded by Mr. Regan 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	Levine			Sumter
Chivukula	McKenzie			
Danile	Regan			
Eberle	Ritchie			

Ordinance No. 3523

Mayor Levine offered the following ordinance:

AMEND BOND ORDINANCE 3180 BY AMENDING THE DESCRIPTION TO INCLUDE THE ACQUISITION OF PLAYGROUND EQUIPMENT FOR AND OTHER IMPROVEMENTS TO THE "PLAYGROUND" AT THE KINGSTON SCHOOL PROPERTY

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

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

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

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

Mr. Chivukula moved the final passage of the ordinance and publication in accordance with law. Said motion was seconded by Ms. Eberle 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	Levine			Sumter
Chivukula	McKenzie			
Danile	Regan			
Eberle	Ritchie			

Ordinance No. 3524

Mayor Levine offered the following ordinance:

BOND ORDINANCE PROVIDING FOR THE EXTENSION OF WATER MAINS ALONG PORTIONS OF VARIOUS ROADWAYS FOR THE WATER UTILITY OF THE TOWNSHIP AND APPROPRIATING \$157,100 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$157,500 BONDS OR NOTES OF THE WATER UTILITY OF THE TOWNSHIP TO FINANCE THE COSTS THEREOF.

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

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

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

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

Mr. Regan moved the final passage of the ordinance and publication in accordance with law. Said motion was seconded by Ms. Eberle 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	Levine			Sumter
Chivukula	McKenzie			
Danile	Regan			
Eberle	Ritchie			

Ordinance No. 3525

Mayor Levine offered the following ordinance:

AMENDING CODE CHAPTER 3, ADMINISTRATION, MORE PARTICULARLY SECTION 3-4 – MEETINGS OF THE TOWNSHIP COUNCIL.

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

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

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

Mr. Phillip Kramer, 429 Canal Road, reminded Council he opposed the ordinance at introduction, particularly the issue about who was going to set up the agenda. He stated he has listened to Council and this is all about a perception that this Mayor has lost power since he has taken office. He stated this perception is shared by many people. He stated this perception came about because when this Mayor took office, some of the Mayor's appointments taken from him. He opined that when the people voted for the Mayor they didn't expect that the first elected Mayor would have less power than prior Mayors. He stated the third passage in Section B of the ordinance states any Council member can put something on the agenda. This language feeds into the perception that this Mayor has less power. He stated the bottom line is that any Council member can put anything on the agenda and it really doesn't matter.

Shirley Pietrucha, 49 9th Street, stated last month when this ordinance was introduced, she identified a section that was not in conformance with the Open Public Meetings Act. Specifically, the phrase that limited the subject matter that citizens were permitted to speak about to items that were under the jurisdiction of the Council. Mr. Rainone clarified he had not changed that part of the ordinance and the phrase was deleted so that the ordinance would be in conformance with State Law. She stated that she thought the Open Public Meetings Act provided for a minimum of two minutes for a speaker, which is not correct, the two minutes to the worksession meetings were put in place by Mr. Rainone's recommendation at the worksession at the Kingston School, which was the first session in which citizens were permitted to speak at the worksession meetings. She stated she was the only one speaking that night and waited two hours for that two-minute opportunity. She stated Council did not invite this change, it was required by State Law.

Ms. Pietrucha stated that after this ordinance was introduced, she read in the newspaper that some Councilmembers wanted a time limit set so that everyone who wanted to speak would have the opportunity. It was implied that because some citizens come and speak at every meeting, others were being denied the opportunity to be heard. She stated this is not accurate. She stated the people speaking at every meeting are here because they are concerned. If a topic is so important that the community turns out to be heard, there should be special meeting, extra meetings or whatever is necessary. Ms. Pietrucha expressed her concern that there will be an attempt to send citizens to committee meetings rather than allowing them to speak here. She stated committee meetings are not recorded by tape or camera and many do not have complete minutes of what was said there. She asked how often will these Committees meet; will they be Sunshine Noticed; Will these turn into Council Planning Sessions where the public will isn't invited like the Finance Oversight Committee. She stated members of this Council have had more absences than most members in recent years and even had difficulty in scheduling their retreat for January. She asked Council how they would find time for even more committee meetings. She asked what these committee meetings are suppose to accomplish.

Ms. Pietrucha stated there are fewer meetings, less time to speak and often we walk into meetings and find many agenda items we would like to comment on. She stated agendas are often published on the internet late and five minutes should not be set in stone by ordinance. She stated there should be flexibility and as always any citizen should be allowed to be heard on topics that concern them. She stated this new two meeting format is pushing the public

session to a late hour and the public session should not be considered as a nuisance to be tolerated. It should be respected as a cornerstone of our democratic society.

Mr. Jim Vasanello, 39 Austin Avenue stated the ordinance in his opinion doesn't give any person, party or agenda an advantage over another. It provides a better structure and allows for better and broader flow of communication. The residents elect the Mayor and the position of the Mayor should be given the respect that it deserves. The residents also elect eight Councilmembers whose responsibility is to then by a majority vote a Deputy Mayor. The office of Deputy Mayor should also be given the respect and authority it deserves. The reality of Franklin's form of Government is that both offices Mayor and Deputy Mayor are important respected positions but are not powerful positions. There a lot of complex and important issues that make up the agenda and expanding the manpower to help that process along is not a bad approach.

Mr. Vasanello stated that as far as the time allotment five minutes is a lot of time, a lot of things could be said and a lot of questions can be asked. He stated quality is more important than quantity when it comes to asking questions and giving suggestions. He stated he would like more feedback from Council and hear less from the public. He supported the ordinance.

Grace Evans, 38 Crown Road stated Ordinance No. 3525 should be viewed as a no brainer. She stated there are some people who would have us believe that the passage of this ordinance is a sinister attempt to diminish the Mayors power. That is not true. She stated it is just some housekeeping that was overlooked at the time Franklin changed its method of selecting Mayor.

She stated the ordinance includes the Deputy Mayor in Council agenda preparation, changes the amount of time the public can speak from 2 to 5 minutes and establishes 6 standing Committees of the Township Council. She stated the Mayor has no more power than the rest of the Council.

John McConville, 5 Stone Leigh Way asked why this rule was brought up. He asked how do we go about changing it.

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

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

Mr. Chivukula stated Ordinance No.3525, Section 3-4, Meetings of the Township Council, B, Agendas – No. 1 states that all ordinance and resolutions shall be distributed to the Council no later than the third business day preceding the meeting of the Council. He stated that was not in the ordinance before and it is to bring some discipline in releasing the agenda.

Mayor Levine expressed following concerns regarding Ordinance No. 3525:

1. The Committee Structure as advocated by the Deputy Mayor, which has a lot of merit for the Council to know what's happening.
2. Changing some wording so that public comments and public discussion can be over any issue; and
3. Changing the wording so that the Township Manager and Clerk will consult with Mayor to Deputy Mayor.

He stated he felt that they are a problem, which does not exist. He stated he doubted that in this particular area anyone has had a problem with the dispatch of his duties. He stated he has never heard anyone say that anything was on or not on the agenda unfairly.

He stated this ordinance only affects one person, the Mayor. He stated he was elected as Mayor and he views this as an attempt to erode my authority.

Mayor Levine made a motion amend the ordinance to remove the words from Section B-1 “and the Deputy Mayor.” The Mayor called for a seconded. Mr. Chivukula stated as a courtesy he would second the motion. Mayor Levine noted that the first vote will be on the amendment: Yes vote is to amend ordinance to deletes Deputy Mayor/No vote is to leave ordinance as it is. After that we will vote on the entire amendment.

Mr. Regan stated the key word on this matter has been spoken all night and that is perception. There is a perception of some loss of authority, that wasn't there. The authority you had prior to the passage of this ordinance, you will have afterwards.

Deputy Mayor McKenzie moved the question. Mayor Levine asked the Deputy Clerk to call the roll:

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

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

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

PUBLIC DISCUSSION

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

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

Mr. Tom Cross, 229 Blake Avenue asked about the origin of the powers of the Planning Board and Zoning Board of Adjustment in this Township. He asked if it was regulated by the State Ordinance. Mr. Rainone replied it is governed by the State Statute called the Municipal Land Use, Title 40:55D-1.

Mr. Cross, asked how many forms were there and was there that necessitates that they be independent of each other. Mr. Rainone stated if you are a Municipality with less than 10,000 people you can have a joint Planning and Zoning Board. Mr. Cross questioned if this municipally has a joint Board. Mr. Rainone stated that this municipality must have a Planning and Zoning Board

Mr. Cross stated he needed some background, for of a very important meeting scheduled for February 16th before the Planning Board regarding the building on 516 Easton Avenue and its medical restriction use. He stated there are 25 different residents that wish to be represented. He stated they were not able to reach Mr. Chivukula with a number of phone calls from 4-5 residents in the community in the last few weeks. He presented Mr. Chivukula a letter expressing a strong plea that he contact them to set up an urgent meeting. He stated they were represented 11 years ago on a similar matter. Mr. Chivukula, questioned which number was tried, because he is always in his office.

Mr. Ritchie, asked that the Attorney explain the role of a Councilmember holds as far as the Planning Board and Zoning Board of Adjustment. Mr. Rainone replied a Councilmember is on the Planning Board and the Council appoints them. The Planning Board is a independent Agency, in fact the decisions of the Planning Board are not appealable to Council.

Mr. Cross questioned how this change of restriction of medical use could be heard without any notice within a year of what's going on in said building.

Mr. Rainone stated that if you look at the membership of the Planning Board , unlike the Zoning Board, which anybody can be a member of, the Planning Board has specific members. The Mayor or his designee, a representative of the Council, municipal employee, members of the Environmental Commission, and citizen members. It is specifically formed to represent different interest and of course its actions are taken after notice and public hearing so that the public would have a right to be heard. Then there is the Municipal Land Use Law, which is the general context under which the decisions are made.

Mr. Cross noted the notice to their neighborhood is ten days and some notices have not gone out yet. Mr. Rainone noted that the Land Use Law requires notice to be posted ten days prior to the hearing.

Mr. Cross stated that if he had not appeared before the Council in December and not reminded the Council of the Township's obligation as part of this medical restriction, this would have past by without anybody knowing. Mr. Rainone stated that it coming before the Council had nothing to do with this matter being before the Planning Board. It went before the Planning Board and it was completely administrative. There was a letter issued by the Zoning Officer and the matter came to my office and Mr. Daly's office. He stated his office advised the Planning Secretary that they require a hearing because there was a condition in the approval. Mr. Cross asked when this happened. Mr. Rainone stated he was not sure when he received the original letter, but did received communication back in November. Mr. Cross noted that they have been building a year now. Mr. Rainone stated that the question was how did it get to the Planning Board. It did not go to the Planning Board as a result of any action taken by the Council, it was completely administrative. It was as a result of the fact that a citizen inquiry to the Planning Board Secretary, which then led to them asking for a legal opinion which then led to this matter. A notice was issued saying that the building could not continue until there was an application is what led to the application. Mr. Cross stated the stability and peacefulness of his neighborhood depends on the action next week.

Mr. George Caspers, 227 Blake Avenue, added to Mr. Cross' statements and thanked the Mayor for responding with a telephone call immediately to Mr. Cross when he did question him and to emphasize what Mr. Cross put in the letter to Mr. Chivukula. He stated his wife had three calls and has not gotten any responses. He stated the problem that is going exist on Blake Avenue after this building is completed and obviously it's going to go for medical facilities, the parking lot is already congested and Blake Avenue will be occupied residents or employees of the facilities after it opens up. He stated they are at this point of requesting at least resident parking permits only on the street in the future. He stated it's going to be one congested mess there.

Bonnie Soveneigh, 5 Renfro Road, past President of the Sky Lance Tourism Region, she stated she was thrilled there is a proposal of an ordinance to bring more attention towards tourism. She offered her records she accumulated over several years when she served on the Region. She stated tourism does bring money, historic tourism in particular does bring people that stay over longer and spend more money in a region. She stated there are statistics that bare out especially historic tourism, \$22.00 returned for every dollar spent. She stated there is definitely a lot of positives that can happen in Economic Development She commended Franklin Township and Municipality on snow plowing.

Ellen Vastola, 43 Norwich Place (Trendmakers HOA), beseech Council to consider passing a resolution that Franklin Township endorse a Bill that now sits in Committee in the New Jersey Senate, S2016. She stated they need the endorsement because Council cannot

enforce the existing NJ Condo Act. She stated that Council has no enforcement powers or law making powers.

Jacqueline Berry, 31 Camner Avenue, questioned what the status of the Gateway Project. Ms. Danile, replied Council was waiting for a resolution in reference to the Developer on what is going to transpire in terms of the construction and financing. Ms. Berry noted that they were given ten days and asked was the letter signed. Mr. Daly replied that a signed proposed Developers Agreement was signed yesterday. Ms. Berry asked if it was signed by both parties. Mr. Daly noted that it was signed by the Redeveloper. He stated the importance of that was that back in November the Agency had approved a Redeveloper Agreement that it had negotiated with the Redeveloper and the Redeveloper had not signed it. He stated that before the Agency was going to consider any more proposals from the Redeveloper, they wanted it signed by the Redeveloper to know that they were not negotiating against themselves.

Ms. Berry questioned whether the project was still going on. Mr. Daly noted that the process is going to be that this proposal is going to be analyzed by myself and the Attorney for the Redevelopment Agency and they would be making recommendations of our analyses to the Redevelopment Agency, which meets on February 28th.

Ms. Berry questioned what happened to the March 31st deadline. Mr. Daly noted that the proposed Redeveloper Agreement has new time lines in it. Ms. Berry noted that two hours was spent on speaking on time limits, now you give the Redevelopers more time because they couldn't make a deadline. The people in Block 123 are still in limbo over what they don't have. Mr. Daly noted that they have just proposed it, but no one has agreed to it yet.

Ms. Berry noted that the letter was not signed, but you are still saying that the March 31st deadline is not going to met and that you are going to extend them more time. Mr. Daly noted that that has not happened, they have not been extended any time. Ms. Berry questioned if they still have to meet the March 31st deadline. Mr. Daly noted that there is no way that they can meet that deadline. What the decision is going to be is do they be given new time lines or does the Agency refuse to have a new Developer Agreement.

Ms. Berry questioned if a new Developer is going to brought in is Block 123 going to be taken out. Mr. Daly noted if the previous Redeveloper is not given a new and amended Developer Agreement then the Agency will be looking a number of options. At the last meeting of the Agency among the directions they gave me was to look at various options. The options extend from going out soliciting proposals from Redevelopers for the project as it currently stands, to revisiting the project and exclude Block 123, to breaking up the project. Originally back in 1999 the Gateway Project was going to be solicited in four different solicitations. As you are aware, because you attend the Business Planning Committee, the Redevelopment Agency through its Business Planning Committee has been seriously revisiting this whole model of going out and soliciting Redevelopers and looking at other ways of working with current property owners to see how we can achieve the plan with the current property and working with them.

Ms. Berry questioned if the same Board will remain.

Lucretia Cortelyou, 1892 Amwell Road, addressed the most present problem in town, which is the amount of traffic, and drivers who do not follow the rules. She stated that the resolution awarding Professional Services Agreement with Schoor DePalma for designing a site plan for the Memorial Arboretum (Toto/Gierlich tracts) in an amount not to exceed \$16,455.00 is frivolous spending. She stated she lives across the street from that tract and have never been approached by anyone to find out their feelings. She stated she lives on the dangerous part of Amwell Road and the County will be improving that intersection. She requested Council to reconsider adopting this resolution, a no vote would greatly appreciated.

She asked who was responsible for posting Agendas on site prior to meetings and why it takes so long to post.

George O'Brien, 777-781 Somerset Street, noted that it seems as though the Gateway Project is about dead. It doesn't seem that they are moving forward with this. Mr. Daly noted that they have made a proposal, it's under review and will be reviewed by the Redevelopment Agency at the February 28th meeting. Mr. O'Brien questioned what happens after March. Mr. Daly noted that the critical issue is if the Redevelopment Agency doesn't approve it then the previous Redeveloper is out of the picture and the whole set of options that were discussed will be on the table and be discussed including working with the property owners. Mr. O'Brien questioned whether the project is still going to go on. Mr. Daly noted that the Agency is pushing forward with revitalizing the whole area, but there are many ways as discussed. Mr. O'Brien questioned if eminent domain would stay in effect. Mr. Daly noted that at the Business meeting many options were discussed concerning the impact of eminent domain, people investing in their property. If in fact we are going to take the approach of working with the existing property owners.

Mayor Levine noted that any proposals will be taken up by the Redevelopment Agency, and that is a public meeting on February 28th at 7:30 pm.

Courtney Throckmorton, 591 Somerset Street, noted that this whole plan was done because you keep giving the authority to a group of people that wants to take property from someone else. Mr. Throckmorton spoke on his opposition of the Gateway Project and eminent domain.

Dr. Theodore Chase, Jr., 159 Old Georgetown Road, spoke on the proposal for a Cell Tower behind the Griggstown Fire House. He asked Council to keep open mind of other locations in the area and not Griggstown Fire House.

Mr. Randy Jones, Open Space Chair, 4 Indiana Road spoke in favor of Consent Agenda Item # 16g and noted it would make an area useful to community as an asset. It would also prevent over development of 80 acres. He stated the next meeting of the Open Space Advisory Committee was February 15th.

Ms. Mary Berry, 31 Camner Avenue referred to article in Sunday's newspaper regarding the Gateway deadline and noted that this project will not prosper.

Phil Kramer, 429 Canal Road question real estate signs on residential property and if permission from residents was required.

Mr. Jim Vasanella, Austin Avenue made an inquiry of Expectant Mothers Parking signs in township. He asked Council to look into installing some. Mr. Daly noted that signs could be placed on Municipal property.

Bryan Sandrow, 45 Blair Avenue noted that his taxes has gone up 45% and wanted to know why. He also noted that there are no stop signs at Gurley/Blair Mr. Daly suggested filing a tax appeal with the County and the stop sign problem was referred to the Police Department.

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

COUNCIL COMMENTS

Ms. Eberle reported the retreat last night went very well and reviewed things that Council would like to see in the township such as public transportation and Economic Development.

Ms. Eberle noted that there will be a Master Plan meeting at Franklin Park School tomorrow night at 7:30 pm.

Ms. Eberle wanted it to go on record that the cell tower company came in the township without notification and want the Board of Adjustment to know that.

Mr. Regan noted his concern about growth and open space acquisition. He stated the Township must keep track of the Open Space Trust fund as not to let it get too low.

Ms. Ashley-Williams noted that February was Heart Month and that she and others are wearing the little red dress pin that represent that heart attacks in women as the #1 killer. She also noted that February is Black History month and that all should learn more about black history.

Ms. Ashley commended Randy Jones on the letter in the newspaper and the township staff on cleaning the street during the snowstorm. Ms. Ashley-Williams thank the public for coming out tonight.

Ms. Danile noted that Open Space taxes are a small investment. Ms. Danile noted that the discussion of redevelopment is on-going and when Block 123 was rezoned it was not in the best interest of township residents. We are dealing with changes as they come up and working very hard to make this a successful plan. Ms. Danile thanked the public for coming out and asking question and their comments and stated that this their venue for comments and questions.

Ms. Ritchie apologized to Mr. Kramer for not responding to his e-mail, but felt that it was an enforcement problem. Ms. Ritchie noted that the Master Plan meetings attendance was not what they expected. Ms. Ritchie noted the possibility of considering building the cell tower behind the Environmental Center.

INTRODUCTION OF NEW ORDINANCES

Ordinance No. 3531

Mayor Levine presented the following ordinance:

AMEND TRAFFIC CODE, CHAPTER 226, AND SECTION 226-30 - ON-STREET HANDICAPPED PARKING SPACES (DELETE 158 VICTOR STREET & ADD 198 PHILLIPS ROAD, APT. 159 & 15 PARKSIDE STREETS

Mayor Levine stated that the foregoing ordinance is presented to the Township Council for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on February 8, 2005.

Deputy Mayor McKenzie moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on March 8, 2005. Said motion was seconded by Ms. Danile and carried as follows upon call of the roll:

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

Ordinance No. 3532

Mayor Levine presented the following ordinance:

CONSENT TO ENCROACHMENT OF DRAINAGE EASEMENT IN CONNECTION WITH FRANKLIN INDUSTRIAL PARTNERS, LLC – BLOCK 517.01, LOT 2.13 – SOUTHEAST CORNER OF RANDOLPH ROAD AND PIERCE STREET

Mayor Levine stated that the foregoing ordinance is presented to the Township Council for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on March 8, 2005.

Ms. Danile moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on March 8, 2005. 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	Levine			Sumter
Chivukula	McKenzie			
Danile	Regan			
Eberle	Ritchie			

Ordinance No. 3533

Mayor Levine presented the following ordinance:

ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 127, FEES – SECTION 127-6, FEE SCHEDULE FOR HEALTH

Mayor Levine stated that the foregoing ordinance is presented to the Township Council for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on March 8, 2005.

Ms. Danile moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on March 8, 2005. Said motion was seconded by Mr. Chivukula and carried as follows upon call of the roll:

Mr. Regan questioned D. Correction of a birth, death or marriage certificate: Ten (\$10.00) dollars, there is nothing supporting it.

Mr. Daly noted that he would get clarification from Mr. Galanowsky, Health Director.

Ms. Chivukula moved to table this ordinance until the February 22nd meeting. Said motion was seconded by Ms. Danile and carried as follows upon call of the roll:

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

Ordinance No. 3527

Mayor Levine presented the following ordinance:

AMEND CHAPTER 3, ADMINISTRATION OF GOVERNMENT – ARTICLE VI, PUBLIC HEALTH; ADVISORY BOARD OF HEALTH; BOARD OF HEALTH - SECTION 3-50, ADVISORY BOARD OF HEALTH BY ADDING AN ABSENTEEISM POLICY FOR ADVISORY BOARD OF HEALTH MEMBERS

Mayor Levine stated that the foregoing ordinance is presented to the Township Council for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on March 8, 2005.

Mr. Chivukula moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on March 8, 2005. Said motion was seconded by Mr. Regan 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	Levine			Sumter
Chivukula	McKenzie			

Danile Regan
Eberle Ritchie

CONSENT AGENDA

Upon motion by Mr. Chivukula, seconded by Deputy Mayor McKenzie, the following Consent Agenda as amended, was adopted as follows upon call of the roll:

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

Resolution #05- 058 – Authorize Agreement with Women’s Health & Counseling Center for the treatment and contact investigation of sexually transmitted diseases in an amount not to exceed \$6,000.00

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 be and they are hereby authorized to execute on behalf of the Township an Interlocal Services Agreement with the Women’s Health & Counseling Center as permitted by NJSA 40:8A-1 et. seq. and NJAC 5:23 for Communicable Diseases STD Services for the period January 1, 2005 to December 31, 2005 at a cost of \$6,000.00.

Resolution #05-059 Authorize Agreement with Somerset County Department of Health to conduct environmental investigations such as odor and noise pollution utilizing the powers under the County Environmental Health Act.

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 be and they are hereby authorized to execute on behalf of the Township an Interlocal Services Agreement with the Somerset County Department of Health as permitted by County Environmental Health Act (CEHA) for the period January 1, 2005 to December 31, 2005.

Resolution #05-060 Authorize Interlocal Services Public Health Mutual Aid Agreement which gives the Health Department the authority to work in other Somerset County Communities when emergency public health services are needed.

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 be and they are hereby authorized to execute on behalf of the Township an Interlocal Services Agreement with the Somerset Municipalities for Public Health Mutual Aid Services for the period January 1, 2005 to December 31, 2005.

Resolution #05-061 Award State Contract with Quality Communications for police in-car mobile computers in an amount not to exceed \$28,780.50.

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

VENDOR: **QUALITY COMMUNICATIONS**
 1985 Swarthmore Avenue, Suite 4
 Lakewood, NJ 08701
 State Contract No. SC A88804

ITEMS: **Police In-Car Mobile Computers**

COST: \$28,780.50

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

Resolution #05-062 Authorize Release of Planning/Building Review Escrow. Carried to **February 22nd**

Resolution #05-063 Authorize 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:

Date of Sale:	June 8, 2004
Block/Lot:	525/4
Name & Address:	Musueci, Matthew M. 426 Elizabeth Avenue Somerset, NJ 08873
Amount:	\$13,184.55
Make Check Payable To:	Fidelity Tax LLC P.O. Box 5707 Ft. Lauderdale, FL 33310
Certificate No.:	040117
Payment Received:	January 21, 2005

Resolution #05-065 Award Professional Services Agreement – Loos Consulting – Eco-Heritage Tourism Plan in an amount not to exceed \$13,390.00.

WHEREAS, a need exists to contract for the below noted services for the Township of Franklin, County of Somerset, New Jersey; and

WHEREAS, the Chief Financial Officer has certified hereon that funds are available; and

WHEREAS, the Municipal Attorney has reviewed the attached certificate of the Chief Financial Officer and is satisfied that said certificate is in proper form; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40:11-1 et seq.) requires that the resolution authorizing the award of contracts for "PROFESSIONAL SERVICES" without competitive bids must be publicly advertised;

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

- (1) The Mayor and Township Clerk are hereby authorized and directed to execute the below referenced agreement with the below stated vendor, which agreement shall be maintained on file with the Township Clerk and available for public inspection.
- (2) This agreement is awarded without competitive bidding as a "PROFESSIONAL SERVICE" under the provisions of the Local Public Contracts Law because it is a recognized profession licensed and regulated by law and it is not possible to obtain competitive bids.
- (3) A notice of this action shall be printed in the LEGAL NEWSPAPER OF TOWNSHIP as required by law within ten (10) days of its passage.
- (4) The vendor shall supply the Township of Franklin with Federal Affirmative Action Plan Approval or State Certificate of Employee Information Report within the time period specified by NJAC 17:27. The Contract shall contain the Mandatory Affirmative Action Language for Professional Service Contracts required by NJAC 17:27, a copy of which shall be attached to and incorporated in the Professional Service Agreement authorized herein.
- (5) The vendor shall agree to comply with the requirements of Title II of the Americans with Disabilities Act of 1990 and indemnify, protect and save harmless the Township the Township from all suits, claims, losses, demands or damages of whatever kind or nature arising out of or claimed to arise out of alleged violations of the Act. A copy of the Act shall be attached to and incorporated in the Professional Service Agreement authorized herein.

VENDOR NAME: LOOS CONSULTING
ADDRESS: 39 Fisher Drive Franklin Park NJ 08823
CONTRACT AMOUNT: Not to exceed \$13,390.00
SERVICE: Services in connection with development of Eco-Heritage Tourism Plan.

Resolution #05-067 Authorize Performance Guarantee Reduction – Westminster Development LLC – Reduced by \$166,552.47/Balance of Bond in the amount of \$71,379.63 (Site Improvements for Docket No, PLN2002-0088 – Block 153/27-30, Rte. 27/Alexander & Myrtle Avenues).

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: WESTMINSTER DEVELOPMENT, LLC
ADDRESS OF APPLICANT: 2601 West 26th Street, Erie, PA 16506
NUMBER: 874
INSURANCE CO./BANK: First National Bank
 711 State Street, Erie, PA 16501-1355
IN THE AMOUNT OF: \$237,932.10

FOR: Completed Site Improvements for Docket No. PLN2002-0088 – Block 153/27-30, Rte. 27/Alexander & Myrtle Avenues; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the aforesaid Performance Guarantee be reduced by the amount of \$166,552.47 and the balance of said performance guarantee is now \$71,379.63.

Resolution #05-068 Authorize Performance Guarantee Reduction – Praise Presbyterian Church – Reduced by \$103,815.06/Blanace of Bond in the amount of \$183,203.04 (Completed Site Improvements for Docket No. PLN2002-0015 – Block 468.09/31, 15 Cedar Grove Lane).

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

ITEM:	PERFORMANCE BOND
NAME OF APPLICANT:	PRAISE PRESBYTERIAN CHURCH
ADDRESS OF APPLICANT:	100 John F. Kennedy Boulevard Somerset NJ 08873
NUMBER:	Check No. 0062
INSURANCE CO./BANK:	Bank of the West 1450 Treat Boulevard Walnut Creek CA 94596
IN THE AMOUNT OF:	\$287,018.10

FOR: Completed Site Improvements for Docket No. PLN2002-0015 – Block 468.09/31, 15 Cedar Grove Lane; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the aforesaid Performance Guarantee be reduced by the amount of \$103,815.06 and the balance of said performance guarantee is now \$183,203.04.

Resolution #05-069 Reappointment of Virginia M. Woodbury, Senior Clerk – Township Clerk’s Office.

WHEREAS, under N.J.P.E.R.S. RULES, an employee must be retired when they attain the age of seventy (70) years unless the employing agency files a written notice certifying approval for an extension of employment for full year and thereafter on a yearly basis for one (1) year; and

WHEREAS, VIRGINIA M. WOODBURY, who has been a Clerical in the Township Clerk’s Office since June 1985, attained the age of seventy in February 2005 and has requested that she not be required to retire at this time; and

WHEREAS, the Township Clerk of the Township of Franklin, Somerset County has recommended that she be permitted to continue her employment with the Township of Franklin for the period February 2, 2005 and continuing until February 1, 2006;

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Franklin, in the County of Somerset and State of New Jersey does hereby recommend that VIRGINIA M. WOODBURY be retained as Senior Clerk in the Township Clerk’s Office for the period February 2, 2005 and continuing until February 1, 2006.

RESOLUTIONS, CONSIDERED SEPARATELY

Resolution #05-064 Award Professional Services Agreement – Schoor DePalma – Design a site plan for the Memorial Arboretum (Toto/Gierlich tracts) in an amount not to exceed \$16,455.00

WHEREAS, a need exists to contract for the below noted services for the Township of Franklin, County of Somerset, New Jersey; and

WHEREAS, the Chief Financial Officer has certified hereon that funds are available; and

WHEREAS, the Municipal Attorney has reviewed the attached certificate of the Chief Financial Officer and is satisfied that said certificate is in proper form; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40:11-1 et seq.) requires that the resolution authorizing the award of contracts for "PROFESSIONAL SERVICES" without competitive bids must be publicly advertised;

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

- (1) The Mayor and Township Clerk are hereby authorized and directed to execute the below referenced agreement with the below stated vendor, which agreement shall be maintained on file with the Township Clerk and available for public inspection.
- (2) This agreement is awarded without competitive bidding as a "PROFESSIONAL SERVICE" under the provisions of the Local Public Contracts Law because it is a recognized profession licensed and regulated by law and it is not possible to obtain competitive bids.
- (3) A notice of this action shall be printed in the LEGAL NEWSPAPER OF TOWNSHIP as required by law within ten (10) days of its passage.
- (4) The vendor shall supply the Township of Franklin with Federal Affirmative Action Plan Approval or State Certificate of Employee Information Report within the time period specified by NJAC 17:27. The Contract shall contain the Mandatory Affirmative Action Language for Professional Service Contracts required by NJAC 17:27, a copy of which shall be attached to and incorporated in the Professional Service Agreement authorized herein.
- (5) The vendor shall agree to comply with the requirements of Title II of the Americans with Disabilities Act of 1990 and indemnify, protect and save harmless the Township the Township from all suits, claims, losses, demands or damages of whatever kind or nature arising out of or claimed to arise out of alleged violations of the Act. A copy of the Act shall be attached to and incorporated in the Professional Service Agreement authorized herein.

VENDOR NAME: **SCHOOR DePALMA**
ADDRESS: **PO BOX 5192, Clinton, NJ 08809-0192**
CONTRACT AMOUNT: **Not to exceed \$16,455**
SERVICE: **Expert Planning Design and Engineering Services in connection with the Franklin Township Memorial Arboretum**

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

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

Resolution #05-066 Award Professional Services Agreement – Lenz Enterprises Ltd – Affordable Housing Consultant Housing Consultant Services – Feasibility Study for Affordable Senior Housing in an amount not to exceed \$50,000.00.

WHEREAS, a need exists to contract for the below noted services for the Township of Franklin, County of Somerset, New Jersey; and

WHEREAS, the Chief Financial Officer has certified hereon that funds are available; and

WHEREAS, the Municipal Attorney has reviewed the attached certificate of the Chief Financial Officer and is satisfied that said certificate is in proper form; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40:11-1 et seq.) requires that the resolution authorizing the award of contracts for "PROFESSIONAL SERVICES" without competitive bids must be publicly advertised;

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

- (1) The Mayor and Township Clerk are hereby authorized and directed to execute the below referenced agreement with the below stated vendor, which agreement shall be maintained on file with the Township Clerk and available for public inspection.
- (2) This agreement is awarded without competitive bidding as a "PROFESSIONAL SERVICE" under the provisions of the Local Public Contracts Law because it is a recognized profession licensed and regulated by law and it is not possible to obtain competitive bids.
- (3) A notice of this action shall be printed in the LEGAL NEWSPAPER OF TOWNSHIP as required by law within ten (10) days of its passage.
- (4) The vendor shall supply the Township of Franklin with Federal Affirmative Action Plan Approval or State Certificate of Employee Information Report within the time period specified by NJAC 17:27. The Contract shall contain the Mandatory Affirmative Action Language for Professional Service Contracts required by NJAC 17:27, a copy of which shall be attached to and incorporated in the Professional Service Agreement authorized herein.
- (5) The vendor shall agree to comply with the requirements of Title II of the Americans with Disabilities Act of 1990 and indemnify, protect and save harmless the Township the Township from all suits, claims, losses, demands or damages of whatever kind or nature arising out of or claimed to arise out of alleged violations of the Act. A copy of the Act shall be attached to and incorporated in the Professional Service Agreement authorized herein.

VENDOR NAME: LENZ ENTERPRISES LTD
ADDRESS: 42 Edgehill Avenue Chatham NJ 07929
CONTRACT AMOUNT: Not to exceed \$50,000.00
SERVICE: Services in connection with a feasibility study for affordable senior housing

Upon motion by Mr. Chivukula, seconded by Ms. Ashley-Williams, the aforesaid resolution was adopted as follows upon call of the roll:

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

APPOINTMENTS

Upon motion by Mr. Chivukula, the following appointments were made by consent agenda, seconded by Ms. Ashley-Williams 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	Levine			Sumter
Chivukula	McKenzie			
Danile	Regan			
Eberle	Ritchie			

Lewis Hurd as a Citizen Member of the Redevelopment Agency for an unexpired five-year term ending December 31, 2008.

Harold Leventhal as a Regular Member of the Sewerage Authority for a five-year term ending January 31, 2010.

Efren Dato as Alternate #1 of the Sewerage Authority for an unexpired a five-year term ending January 31, 2006.

Robin Scudder as Regular Member of the Health Advisory Board for a three-year term ending December 31, 2007.

Gloria Taylor as Regular Member of Senior Affordable Housing Advisory Committee, each with a three (3) year term ending December 31, 2007.

ADJOURNMENT

Upon motion by Mr. Chivukula, seconded by Deputy Mayor McKenzie, the meeting adjourned at 11:30 p.m. Said motion carried unanimously upon call of the roll.

Brian D. Levine, Mayor

LaVern Staten-Sanders, Deputy Township Clerk

Approved:

Date: