

The Work Session/Regular Meeting of the Township Council of the Township of Franklin, County of Somerset, New Jersey, was called to order by the Township Clerk at 7:08 p.m.

Mayor Levine called the Work Session/Regular Meeting of the Township Council to order. Mayor Levine stated “In accordance with Section 5 of the Open Public Meeting Act, Chapter 231, Public Law 1975, be advised that adequate notice of this Work Session/Regular Meeting of the Township Council of the Township of Franklin, County of Somerset was made by the posting on the bulletin board at the Municipal Complex and transmitted to the officially designated newspapers, a list of dates, annually, indicating that this Work Session/Regular Meeting would take place at the Franklin Township Municipal Complex at 7:00 p.m. on March 22, 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 Councilwoman Ashley-Williams 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, Mr. Sumter.

Absent: Ms. Ritchie

Also present: Louis N. Rainone, Esq., Township Attorney, Kenneth W. Daly, Township Manager, Ann Marie McCarthy, Township Clerk

PROCLAMATIONS/COMMENDATIONS

Blood Donor Dedication Recognition

Mayor Levine presented Shonda Sanchez with a Certificate of Recognition that was awarded to the Township of Franklin from the U.S. Department of Health and Human Services for dedication to creating a donation friendly America as a workplace partner for life.

Domestic Violence Crisis Response Team

Mayor Levine presented the following proclamation to the Franklin Township Domestic Violence Crisis Intervention Team:

WHEREAS, the Franklin Township Domestic Violence Crisis Intervention Team has been in existence since 1997; and;

WHEREAS, the Franklin Township Domestic Violence Crisis Intervention Team is composed of civilian volunteers who attended a 40-hour certified training course with the Somerset County Resource Center for Women and their Families; and

WHEREAS, Franklin Township Domestic Violence Crisis Intervention Team represents a countywide strategy to reduce and prevent domestic violence by pairing a police officer with a trained advocate who provides crisis intervention to victims and their children, at the scene of an emergency response; and

WHEREAS, the Franklin Township Domestic Violence Crisis Intervention Team provides on-call, 24-hour a day assistance to domestic violence victims and their families; and

NOW, THEREFORE, I, Brian D. Levine, Mayor of the Township of Franklin in the County of Somerset, State of New Jersey, on behalf of the Township Council, hereby extend appreciation and commendation to:

**Pamela
Alicia
Donna
Lisa**

**Veronica
Vicky
Theresa
Michele**

for their dedicated service to the residents Township of Franklin by serving on the Franklin Township Domestic Violence Crisis Intervention Team.

Date: March 22, 2005

/s/ Brian D. Levine, Mayor

A member of the Franklin Township Domestic Violence Crisis Intervention Team commended and thanked Captain Lombardo for his hard work with the Team.

ADMINISTER OATHS OF OFFICE TO POLICE CAPTAINS AND OFFICERS

Ms. McCarthy, Township Clerk administered the oaths of office to Captains Lawrence Roberts and Joseph Lombardo and Patrolmen Leonard Bird, Jr; Teddy Cerra; Fabio Cologna; Richard Hartnett; Damian Rostek; and Felix m. Valentin. Police Chief Novick and Mayor Levine commended the Captains and Patrolmen. Commendations and welcoming comments were made by each Council member.

CDBG HEARING ON APPLICATIONS

Ms. von Ohlen, Grants Coordinator, read a notice statement that the hearing was published in the newspaper as required. She reported that there is \$364,845 available with eleven (11) applications submitted. She stated that the applications would be forwarded to the Financial Oversight Committee for their review at their April 19th meeting and recommendations to Council. The recommendations would then be published in the newspaper and sent to HUD for review and approval.

Emmanuel Tabernacle Baptist Church – Child Care Facility - \$263,450

Emmanuel Tabernacle Baptist Church – Modular Building/Childcare - \$55,000

A presentation was made by Debra Eddy for Safehaven Childcare. She requested funds for a childcare facility in the amount of \$263,450 and a mobile unit in the amount of \$55,000. In response to questions by Mr. Chivukula and Mr. Ashley-Williams, Ms. Eddy reported that the mobile unit would hold approximately 40 children, ages 2-5 years old. It would be for a two-room unit with 20 children in each room. Other funding would come from the community. They would charge \$125-150 per week.

Family and Community Services of Somerset County – PT Youth Counselor - \$14,360

Doris Robinson explained the part-time Youth Counselor would be used for the ARISE Program. This program consists of personal and group counseling. The program consists of 35-40 students, most from alternative schools. It is a year round program. It is located at the SCAP Building, 429 Lewis Street. In response to questions by Mr. Chivukula, Ms. Robinson replied that the students are referred from the schools, parents, Somerset County Probation and themselves to help change their attitudes. Group sessions are held Fridays from 3:30 p.m. to 6:00 p.m. and are not mandated. Personal counseling is conducted Tuesday through Friday from 2:00 p.m. to 6:00 p.m. In response to questions by Ms. Ashley-Williams, Ms. Robinson stated they receive a grant for the program by the State and quarterly reports are made to the County. Mr. Sumter commended the program.

Franklin Township Community Resources – After School Program - \$50,000

A presentation was made by Diane Leach-Thompson regarding the After School Program. She stated the charges for the program is fee based through Community Resources. In response to questions by Ms. Ashley-Williams, the funding for the program is through fees charged. In response to questions by Mr. Chivukula, the percentage of low to moderate-income families is 2-1 and there is no sliding scale according to salary income for the fees. This could be modified. There are mostly low-income families that participate in the program.

SCOAH – Housing Counseling - \$12,450

Sharon Clarke made a presentation regarding the housing counseling program by the Somerset County Coalition on Affordable Housing. The program gives housing counseling to approximately 375 Franklin Township residents.

Franklin Township Food Bank – Emergency Lights and Storage - \$4,341

Denis McGrath made a presentation for funding for emergency lights and storage for the Food Bank building.

Franklin Township Parks and Recreation – Restrooms – Naaman Williams Park - \$115,000

Mr. Daly reported this request is in response from Mr. Sumter. Since the park has expanded, the restrooms are far from the picnic area. Mr. Sumter reported that the restrooms are closed when the pool is closed. Mr. Chivukula asked why they are closed at that time. Mr. Daly replied they are closed for safety reasons and no staff. The restrooms would be one (1) for each gender and be used during the all day camp at the picnic pavilion.

Great Expectations – Site Improvements to Facility - \$100,000

Peg Wright gave a status report of the facility, noting that they would be breaking ground in July. She reported they are close to meeting projected goal and has received a grant from the Department of Community Affairs. In response to a question by Ms. Danile, the facility's capacity is for 16 women with accommodations for infants and additional children, totaling 21.

Somerset Residence – Shower Stall Conversions - \$50,000

Funding would be used to upgrade tenant units. It was reported that there are 22 people over 90; 5 in wheelchairs and 24 using walkers. The upgrades involve shower stall conversions as per HUD guidelines.

Housing Rehabilitation – Low/Moderate Income Homeowner Improvements - \$100,000

These funds would be used to continue the program of home improvements for low and moderate-income homeowners. There are 85 homeowners on the waiting list. The program is on a first come first serve basis as long as they are eligible. There have been some on the waiting list since 1996.

There is \$364,845 in allocations from the Community Development Block Grant Program. \$72,969 in Planning/Administration with \$291,876 available for projects. The cap on services (15%) is \$54,727.

MAYOR'S REPORT

Mayor Levine thanked the FTTV-25 volunteers and announced the Township is looking for volunteers to videotape the Council meetings.

Mayor Levine explained how the meeting is conducted for the benefit of the audience and the viewers.

Mayor Levine announced he would be delivering a “State-of-the-Municipality” address in Council Chambers on Monday, March 28, 2005. On Tuesday, March 29, 2005, the Franklin Chamber Commerce will deliver their “State of the Township” outlook.

Mayor Levine stated he was honored to be a guest at the High Road School on Cottontail Lane. He stated the school is for children with special needs and some Franklin students attend it. He stated that the facilities are beautiful, the staff wonderful and the students impressive. He showed a mug he received as a gift.

Mayor Levine reported there was a joint meeting of the Redevelopment Agency and the Planning Board held last night. Councilwoman Ashley-Williams as a member of the Redevelopment Agency and Councilwoman Ritchie as Council Liaison to the Planning Board were in attendance and will make a report at the committee report section of the meeting.

Mayor Levine announced that he and Councilman Sumter were featured on the New Jersey Network, WNJN, last Friday regarding Block 123 and the Redevelopment Area.

Mayor Levine announced that last weekend was the 60th Anniversary banquet of Civic League of Greater New Brunswick (formerly the “Urban League”). He stated he and Assemblyman Chivukula were in attendance. Mr. Chivukula stated it was a great occasion.

Mayor Levine announced that today was the grand opening of the C.T. Barbecue in the Hamilton Street area. Mayor Levine, Mr. Sumter, Efren Dato, Frank Hasner and Bonnie von Ohlen were in attendance.

DEPUTY MAYOR’S REPORT

Deputy Mayor McKenzie reported there was a Rt. 287 Advisory Committee held last Monday giving an opportunity to get input from citizens on the approved recommendations. The recommendations provide a blue print of traffic strategies.

Deputy Mayor McKenzie announced that a program would be held by the Delaware and Raritan River Commission called “Past, Present, Promise”. More information to be announced at a later date.

Deputy Mayor McKenzie urged everyone to come out and see what the school budget is about and noted the election is April 19th.

COMMITTEE REPORT

Ms. Ashley-Williams submitted the following reports regarding the Redevelopment Agency and gave a brief overview of the reports:

March 7, 2005 Redevelopment Agency Meeting

The February 2005 meeting of the Redevelopment Agency of Franklin Township was rescheduled to March 7, 2005, due to a snowstorm on the regular meeting date, February 21.

Points of Interest:

- **Redevelopment Sub-Committee** – Mr. Daly reported that the Gateway Redeveloper partnership between the REDC and Pennrose has withdrawn their proposal to continue as redeveloper of the Gateway Project. The letter confirming withdrawal was not received at the time of the meeting however, Mr. Daly expected to receive it the next day.

- **Business Plan Committee** – The Business Plan Committee has not met due to conflicts in schedules. However, the committee is moving forward on many items. They have contacted the Community Development Loan Program; as part of the rezoning of the Infill Residential, the committee has drafted standards for the area and will be discussing this matter with the Agency. In addition, the Business Plan Committee will be discussing the request for vacating Marshal Street and the existing tax abatement for residents who fix up their property.
- **Somerset-Henry and Somerset Douglas** – All 36 units at the Somerset-Henry project are under contract. Closing is expected to be completed on these items by the end of April. Application for the Somerset-Douglas project has been submitted to the Planning Board; it is under review by the Engineering staff. Mr. Daly will be contacting the Sewerage Authority regarding the Somerset-Douglas project.
- **Annual Audit Report** – The Agency received the Annual Audit Report. Funds have increased from \$53,205 in 2003 to \$68,864 in 2004. The Auditor's Report did not include any recommendation. However, there were two suggestions: (1) the Agency reviews its surety-bonding requirements to ensure their adequacy. Mr. Daly will contact the Joint Insurance Fund concerning this. (2) The Agency receives regular interim financial reports. This will be done quarterly.
- **Attorney Contract** – The Professional Services Agreement between the Redevelopment Agency and the law firm of Wilentz, Goldman & Spitzer was approved.
- **Budget** – A resolution to amend the budget by \$25,000 was approved. This increase is due to heavy litigation. There are sufficient funds in the budget – they just have not been appropriated.
- **Redevelopment Administrator** – Due to business model changing and the present workload off the Township Manager, the Agency approved submitting a resolution to Council for a full-time position of Redevelopment Administrator.
- **Public Discussion** – Two (2) individuals from the public spoke.

The meeting adjourned at 8:32 p.m.

March 21, 2005 Redevelopment Agency Meeting

The regular March 2005 monthly meeting of the Redevelopment Agency of Franklin Township was held on Monday, March 21, 2005.

Points of Interest:

- **Swearing in of new Commissioner, Lewis V. Hurd** – Commissioner Hurd was sworn in by the Agency attorney.
- **Joint Meeting with Planning Board Re: Master Plan** – The Agency had a lengthy discussion with the Planning Board regarding the future of the Redevelopment area and the role each Agency will play in moving the plan forward. Some of the areas discussed were: affordable/senior housing requirements; sewer capability on Rt. 27 study; the need for a supermarket; the need to look at other ratables such as medical offices or labs; possible mix use – retail/office on the first floor and apartments on upper floor(s); and public transportation.
- **Redeveloper Committee** – Letters have been sent to several potential redevelopers. Currently, Mr. Daly has received interest from 7 developers.

Letters were also sent to all property owners in the Renaissance Redevelopment Area to officially notify them of the withdrawal of the REDC and Pennrose as the Gateway Redeveloper. Another letter was sent to the property owners to encourage them to get in touch with Mr. Daly to let him know their plans and preferences about their property. This includes their interest in submitting a proposal to become a redeveloper for their own or other properties. He has received response of interest from 3 property owners. In addition, in the letters to the property owners, Mr. Daly reinforced the Franklin Township Redevelopment Agency's commitment to work diligently to move forward on the revitalization of their neighborhood and the current Gateway timeline was given to them. You have copies of these letters in your package.

- **Redevelopment Application Fees and Transportation Charges** – The Agency approved Mr. Daly's recommendation that all future redeveloper applications require an application fee. The amount recommended for the fee was \$1,000.00 however, the Agency requested Mr. Daly work with the attorney to come up with a sliding fee scale. Perhaps larger more costly projects should be charged more. There will be no fee charged to property owners.

Mr. Daly also recommended that it be clear to developer applicants that they will be expected to pay for all of the Agency's costs for outside professionals in the processing of their redeveloper application, and negotiation and implementing any agreement. If the applicant is selected as redeveloper the application fee will count towards these transactions charges.

- **Public Discussion** – Several individuals spoke from the public.

Route 287 Task Force

Ms. Danile reported on the Route 287 Task Force Subcommittee meeting. She noted that Mayor Levine and Deputy Mayor McKenzie were also in attendance. She reported on an upcoming subcommittee meeting to be held on March 24th at 4:30 p.m. The plan is to solicit as much public comment as possible. Information can be found in the Franklin Times and the Township website.

Parks and Recreation

Ms. Danile reported on a meeting held on March 9th. She reported there is a decrease in enrollment for girl's softball and encourage girls to sign up. Rules and regulations for the skate park were discussed as well as a policy for the use of the Kingston School.

Mr. Chivukula asked if there was response to the letter sent to the County regarding the removal of the traffic signal at World's Fair Drive and Easton Avenue. Mr. Daly replied in the negative.

REVIEW PREPARED AGENDA

Mayor Levine led the discussion of the prepared agenda.

Mayor Levine announced the Executive Session has been moved to be held after the Appointments.

Ordinance No. 3540: Designation of Special Improvement District pursuant to NJSA 40:56-65 et seq.; designation of the Hamilton Street Business Improvement District Corporation to made the same; provide for the powers of said corporation and the manner of assessment for funding and operating the Special Improvement District.

Mr. Daly explained the special improvement district process. All the steps taken regarding the Hamilton Street Special Improvement District were outlined in a memorandum dated March 8, 2005 from Efren Dato. Mr. Daly explained that after introduction of the ordinance, public notice will be sent to all affected regarding the public hearing. He stated this is another step to get public participation.

Mayor Levine added the public hearing would be held on April 26, 2005.

Mr. Chivukula clarified the definition of a special improvement district and voiced his support of the ordinance. Mr. Sumter asked if all the tenants were contacted. Mr. Daly replied in the affirmative and noted that it is a collective action to better the quality of life and improve the area.

Ordinance #3542: Amend Code Chapter 52, Salaries & Compensation, Section 52-5 by adding the position of Community Development Coordinator/Senior Zoning Officer to the Level A Salary Level of \$46,215.20 to \$69,322.80.

Mr. Daly explained that this does not add a new employee and it is budgeted.

The following resolutions were discussed by Council and the Township Manager:

Resolution #05-123: Award Purchase – Dialogic Communications Corporation – Upgrade Community/Emergency Notification System - \$28,950.00

Resolution #05-138: Amend State Contract with Minolta for recreation photocopier for an additional \$1200 for additional copies over 20,000 during the contract period of August 1, 2001 through July 31, 2004.

Resolution #05-139: Extend Award of Competitive Contract – DPW-GIS Based Asset Management – New Town Management Software – May 3, 2005.

Mayor Levine announced that action on Resolution Nos. 125-128 would take place after the Executive Session was held. He also announced that Resolution Nos. 140-141 were added to the Consent Agenda.

COUNCIL DISCUSSION ITEMS

Request Release of Deed Restriction – Block 428, Lots 14-16 (77 15th St.)

Mr. Daly reviewed the staff reports and noted there is a map included with the reports. Mr. Rainone stated that the consolidation of the lots would center the home better on the property. It would provide one residence not subject to subdivision.

Michele Tullio, attorney for the applicant, gave a brief background of the application. Ms. Tullio agreed with Mr. Rainone's statement. A brief discussion ensued and it was consensus of Council to release the deed restriction on Lots 14-16.

Mr. Chivukula moved to release the deed restriction on lots 14-16, provide notice for public hearing on April 26, 2005. Said motion was seconded by Ms. Danile and carried unanimously upon call of the roll.

Set Date for Halftime Pub ABC Hearing

Mr. Rainone explained the process for a ABC Hearing. After a brief discussion, it was consensus of the Council to set the date for the Halftime Pub ABC Hearing for Tuesday, May 3, 2005 at 6:30 p.m. in Council Chambers. Mr. Rainone stated there would not be any public participation because it is a meeting of the ABC Board. It would be an open public meeting.

Water Service Policy

Mr. Daly reviewed a memorandum regarding a Planning Board application where the previous Engineer gave approval that the residence could receive water service from North Brunswick. Mr. Daly recommended Council provide a policy that Franklin Township service Franklin Township residents. Mr. Daly explained in Franklin Park the Township will be extending water lines in the area and the Township needs to control its own destiny since it has the ability to serve its residents.

Upon motion by Mr. Chivukula moved that a resolution be considered at the April 12th Council meeting to allow the residence be serviced with North Brunswick water. Said motion was seconded by Ms. Eberle and carried unanimously upon call of the roll.

APPROVAL OF MINUTES

Mayor Levine asked for a motion to approve the minutes of Work Session/Regular Meeting – March 8, 2005 and Executive Session – March 8, 2005.

Ms. Eberle made a minor correction to the minutes.

Upon motion by Mr. Chivukula, seconded by Ms. Danile to approve the minutes of Work Session/Regular Meeting – March 8, 2005, as amended and Executive Session – March 8, 2005. Said motion was carried as follows upon call of the roll:

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

APPROVAL OF WARRANTS

Mayor Levine presented the following warrants in the amount of \$3,166,085.18 for March 22, 2005 to the Township Council for payment:

1	Current	2,055,897.64
5	Water Operating	323,729.62
4	General Capital	7,457.00
15	General Trust	27,145.49
18	Self Insurance Trust	2,437.44
21	Recreation Trust	3,874.51
12	Open Space Trust	3,003.28
2	Grant	14,410.18
17	Workers' Compensation	444.45
26	Affordable Housing	375.00
3	Collector Trust	44,131.94
14	Dog Revenue	3,527.40
22	Payroll	347,102.95
23	Agency	330,144.53
	Sub-Total	3,163,681.43
25	Escrow Account	2,403.75
	Grand Total	3,166,085.18

Deputy Mayor McKenzie moved that warrants in the amount of \$3,166,085.18 for March 22, 2005 to be paid. Said motion was seconded by Mr. Sumter and carried as follows upon call of the roll:

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

ORDINANCES – PUBLIC HEARING

Ordinance No. 3520

Mayor Levine offered the following ordinance:

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 112, DEVELOPMENT - SECTION 32.04, RENAISSANCE 2000 REDEVELOPMENT PLAN.

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

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

John McConville, 5 Stone Leigh Way, asked if Block 123 could also be included. Mr. Daly explained that this process for these properties was initiated by prior events. He stated that Block 123 would be looked at during the master plan process. Ms. Ashley-Williams stated that Block 123 would no longer be considered in the redevelopment proposals.

Julius Arinzeh, 108 Drake Road, didn't understand why eminent domain could not be removed from all properties. He expressed his opposition to eminent domain.

There being no further 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.

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

Ordinance No. 3533

Mayor Levine offered 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 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 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. 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	Chivukula			Ritchie
Danile	Eberle			
Levine	McKenzie			
Regan	Sumter			

Ordinance No. 3534

Mayor Levine offered the following ordinance:

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, SOMERSET COUNTY, NEW JERSEY, MORE PARTICULARLY CHAPTER 226, VEHICLES & TRAFFIC - SECTION 226-13, PARKING PROHIBITION (ADD MACAFEE 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. Sumter and carried unanimously upon call of the roll.

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

There being no comments by the public, Mr. 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.

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

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

Ordinance No. 3539

Mayor Levine offered the following ordinance:

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

Mayor Levine stated that 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. Sumter and carried unanimously upon call of the roll.

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

John McConville, 5 Stone Leigh Way, expressed his opposition to bonding and putting the Township in more debt. Mr. Regan asked Mr. Daly to explain the bonding process. Mr. Daly explained why bonding is used for capital items. He stated that the Township's level of debt is well below the maximum.

There being no further comments by the public, Mr. Chivukula moved to close the public hearing on the ordinance. Said motion was seconded by Mr. Sumter 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 Mr. Sumter and carried as follows upon call of the roll:

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

PUBLIC DISCUSSION

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

Mayor Levine announced that this meeting is open for public discussion on any item of interest, which does not have a public hearing of its own. He stated that anyone interested in speaking to raise their hand and when recognized, give their name and address.

Lucretia Cortelyou, 1892 Amwell Road, thanked Mr. Regan for his suggestion to attend an Open Space Advisory Committee meeting. She attended the March 18th meeting and looks forward to attending the April 19th meeting. She expressed her opposition to funding the Memorial Forest. She recommended a study be conducted to see if there is still interest in it.

Sydney Savrin, 521 Crossfields Lane, Somerset Run, asked who controls the "No Parking" signs within Somerset Run. It was replied that the Homeowners Association controls

the signs. Location of the signs would be provided in the site plan application and it cannot be changed without going in front of the Planning Board.

John Walker, 63 Claremont Road, provided a handout regarding the status of the Franklin Park well contamination. He stated that action needs to be taken immediately. He stated that it has been four months since the last water meeting and asked why an ordinance regarding the zone of involvement has not been adopted. He expressed his concerns with the 18 homes not hooked up to the Township's water service.

Mr. Rainone replied that an ordinance was not needed. He stated that the Health Officer issued a Notice to the residents.

Mr. Walker stated that someone is needed to work hands on with the neighborhood. Mr. Regan recommended that the Health Director make a status presentation at the April 12th meeting.

Jacqueline Berry, 31 Camner Avenue, stated that Council defended Mr. Daly when Mary Berry expressed her dissatisfaction with Mr. Daly at the March 8th meeting. She asked why no one defended Mr. Throckmorton when verbally attacked by Mr. Sumter. She defended comments made to and about Mr. Throckmorton. She stated that Council should be held accountable about remarks made.

Jim Vassanella, 39 Austin Avenue, supported the improvements to Stop and Shop and asked if the movie theater sign could be removed as soon as possible. He asked if a mini dump program that would pick up items curbside for seniors be considered.

John McConville, 5 Stone Leigh Way, expressed his disappointment that Mr. Chivukula is not running for re-election. He expressed his opposition to the special improvement district ordinance since it is another form of tax for businesses.

Grace Evans, 38 Crown Road, expressed her disagreement with comments made by Mayor Levine regarding Block 123 and redevelopment on NJN. She asked for a status of the improvements to Middlebush Park and the Skate Park. Mr. Daly replied they are to be bid next month.

Raymond Betterbid, 4 Denby Drive, stated the personal attacks need to stop and the meetings be kept to Township business.

Carl Wright, 139 Fuller Street, asked why there is a fee for a burial permit. Mr. Daly replied the fee charged is to comply with state statute. He expressed his support of the CDBG project that involves restrooms in Naaman Williams Park and housing counseling by SCOAH.

Janet Bowling, 142 Winslow Avenue, expressed her support of rezoning Block 123. She stated they are being treated unfairly. She spoke of the first amendment and the freedom of speech.

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

COUNCIL COMMENTS

Ms. Danile stated for the record she stated there was an error in Mr. Throckmorton's report. He provided inaccurate information regarding how much has been spent in open space funds. He stated they spent \$17 million in one year when it has been spent since its inception.

Mr. Chivukula thanked Mr. McConville for his moving comments and that he has enjoyed serving the Township and he still has a few more months to serve.

Ms. Ashley-Williams commended the Civic League and its programs. She stated that Roy Epps, Executive Director has done many good things.

Ms. Eberle thanked Mr. Walker for his information regarding the Franklin Park water situation. She stated there is a meeting of the ad hoc committee of the Historic Preservation Commission on March 31, 2005 at 5:30 p.m. to discuss the ordinance that provides rules and regulations.

Mr. Sumter stated that some do not understand the whole situation regarding Mr. Throckmorton.

Mayor Levine announced the tax appeal deadline is April 1, 2005. He stated that NJN contacted him to speak of the blight study and the redevelopment area.

Ms. Danile asked Mr. Sumter asked how NJN contacted him. Mr. Sumter replied that they came to his business unannounced.

INTRODUCTION OF ORDINANCES

Ordinance No. 3540

Mayor Levine presented the following ordinance:

AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY CREATING A SPECIAL IMPROVEMENT DISTRICT FOR THE TOWNSHIP OF FRANKLIN – HAMILTON STREET BUSINESS COMMUNITY.

Mayor Levine stated that the foregoing ordinance is presented to the Township Council for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on April 26, 2005.

Mr. Chivukula moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on April 26, 2005. Said motion was seconded by Ms. Danile and carried as follows upon call of the roll:

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

Ordinance No. 3541

Mayor Levine presented the following ordinance:

AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY AUTHORIZING ACCEPTANCE OF CONSERVATION EASEMENT IN CONNECTION WITH 940 EASTON AVENUE – BLOCK 385, LOT 2.07.

Mayor Levine stated that the foregoing ordinance is presented to the Township Council for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on April 26, 2005.

Mr. Chivukula moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on April 26, 2005. Said motion was seconded by Ms. Danile and carried as follows upon call of the roll:

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

Ordinance No. 3542

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 52 - SALARIES & COMPENSATION - SECTION 52-5, ANNUAL COMPENSATION FOR FULL TIME WHITE COLLAR MUNICIPAL EMPLOYEES (ADD POSITION – COMMUNITY DEVELOPMENT COORDINATOR/SENIOR ZONING OFFICER TO LEVEL “A” SALARY LEVEL OF \$46,315.20 - \$69,322.80)

Mayor Levine stated that the foregoing ordinance is presented to the Township Council for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on April 26, 2005.

Mr. Chivukula moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on April 26, 2005. Said motion was seconded by Mr. Sumter and carried as follows upon call of the roll:

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

CONSENT AGENDA

Ms. Danile moved the following Consent Agenda Items, with the exclusion of Resolution Nos. 125-128 and the inclusion of Resolution Nos. 140-141. 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			Regan
Danile	Eberle			Ritchie
Levine	McKenzie			
Sumter				

Resolution #05-113: Authorize Acceptance of Storm Water Detention Basin – Glen Eyre at Somerset - Tract D, Paddock Estates – Docket #PLN2001-0023 – Block 423.01, Lot 17.10.

WHEREAS, Pizzo & Pizzo, Inc. has satisfactorily completed the storm water detention basin on the project known as Glen Eyre at Somerset Tract D – Paddock Estates; and

WHEREAS, the Performance Guarantee was previously released and the applicant has posted a two-year maintenance bond for the storm water detention basins to guarantee the public improvement for the project; and

WHEREAS, the Township Engineer recommends the acceptance of the storm water detention basin by the Township located on Block 413.01, Lot 17.10, said detention basin being further described as follows:

“Detention Basin” as designated on the Subdivision Plan entitled, “Grading and Utility Plan, Paddock Estates, Final Subdivision of Block 423.01 Lot 17.01, Township of Franklin, Somerset County, New Jersey”, Sheet S-2. dated November 15, 2000, revised to April 22, 2002 and prepared by The Reynolds Group, Inc.

Said detention basin being situated in Block 423.01, Lot 17.01 as shown on a certain map entitled, “Glen Eyre at Somerset, Final Plat, Major Subdivision of Block 423.01, Lot 17.01, Township of Franklin, Somerset County, New Jersey,” prepared by The Reynolds Group, Inc., Raritan, NJ dated November 14, 2000 and revised to April 8, 2003. Said map being filed in the Somerset County Clerk’s Office on May 28, 2003 in Book No. 5376, Pages No. 236-237 as Instrument No. 2003065411.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Franklin County of Somerset do hereby accepted the above described public improvement pursuant to the requirements of the residential site improvement standards.

Resolution #05-114: Authorize Acceptance of Storm Water Detention Basins – Pizzo & Pizzo – The Woodlands – Docket #P98005SP – Block 508.02, Lots 3.01, 3.46 & 3.47.

WHEREAS, Pizzo & Pizzo, Inc. has satisfactorily completed three (3) storm water detention basins on the project known as The Woodlands; and

WHEREAS, the Performance Guarantee was previously released and the applicant has posted a two-year maintenance bond for the storm water detention basins to guarantee the public improvement for the project; and

WHEREAS, the Township Engineer recommends the acceptance of three (3) storm water detention basins by the Township located on Block 508.02/Lots 3.01, 3.46 & 3.47, said detention basins being further described as follows:

“Detention Basin #1” on Block 508.02, Lot 3.47 as designated on the Subdivision Plan entitled, “Grading & Soil Erosion Plan, The Woodlands, Lot 3, Block 508.02, Franklin Township, Somerset County, New Jersey”, Sheet 14 of 41, dated February 14, 2002, revised to June 17, 2002 and prepared by Stires Associates, P.A.

“Detention Basin #2” on Block 508.02, Lot 3.46 as designated on the Subdivision Plan entitled, “Grading & Soil Erosion Plan, The Woodlands, Lot 3, Block 508.02, Franklin Township, Somerset County, New Jersey”, Sheet 15 of 41, dated February 14, 2002, revised to June 17, 2002 and prepared by Stires Associates, P.A.

“Detention Basin #3” on Block 508.02, Lot 3.01 as designated on the Subdivision Plan entitled, “Grading & Soil Erosion Plan, The Woodlands, Lot 3, Block 508.02, Franklin Township, Somerset County, New Jersey”, Sheet 13 of 41, dated February 14, 2002, revised to June 17, 2002 and prepared by Stires Associates, P.A.

Said detention basins being situated in Block 508.02, Lots 3.01, 3.46 & 3.47 as shown on a certain map entitled, “Final subdivision Plat, The Woodlands, Lot 3 Block 508.02, Franklin Township, Somerset County, New Jersey”, prepared by Stires Associates, P.A, dated August 30, 2002, revised to August 7, 2003 and filed in the Somerset County Clerk’s Office on September 26, 2003 in Book 5469, Pages 1949-1950 as Instrument No. 2003122036.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Franklin County of Somerset do hereby accepted the above described public improvements pursuant to the requirements of the residential site improvement standards.

Resolution #05-115: Authorize Forfeiture of Deposit for Construction Water Meter – Eastern Hill, LLC in the amount of \$150.00.

WHEREAS, the Township of Franklin, Somerset County has received escrow monies for purposes of utilizing fire hydrants for construction water as required by **Section 236-11 of the Code**; and

WHEREAS, the project has been completed and the Director of the Water Division of the Department of Public Works, has certified to the Township Clerk the amount of money actually due for said construction water and has recommended that the balance pf \$150.00 as set forth be forfeited by the applicant:

APPLICANT: Eastern Hill LLC
ADDRESS: 1065 Route 22 West, Bridgewater, NJ 08807

AMOUNT DEPOSITED:	\$150.00
AMOUNT TO BE DEPOSITED IN WATER ACCOUNT FOR SERVICE CHARGE & WATER USAGE	\$150.00

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, Somerset County and State of New Jersey that the \$150.00 of escrow monies be forfeited by the above named applicant.

Resolution #05-116: Authorize 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.

<u>BLOCK/LOT</u>	<u>NAME/ADDRESS</u>	<u>QTR/YR</u>	<u>AMOUNT</u>
34.10/59.01	Panna Patel	4.04	954.44
C1407	5 Amethyst Way Franklin Park, NJ 08823	Over Assessed	
468.11/12 8001	Township of Franklin	04/1 Fire Service Metered Pay Water Bill	634.49
482/25	Township of Franklin	4/03 Tax Appeal Increase	593.05
482/25	New York Legal Services	4/03 Tax	159.48
483/1	Legal Division	Appeal	435.62
486/1	20 Exchange Place 6 th Floor	Decrease	353.81
540/1	New York, NY 10005		1,963.94
543/1	Attn: Thomas M. Clark, Esq.		1,447.69
543/29			868.61
547/1			1,158.15
547/3			274.37
548/1			1,296.62
548/21			124.18
548/7			75.52
548/8			75.52
551/1			289.54

551/31			717.54
551/7			1,007.08
552/1			393.20
552/11			165.39
552/15			314.71
552/21			75.52
552/7			314.71
544/1			<u>2,454.68</u>
			13,965.88
5.02/60	Barood, Wajde & Daroud Fadi Samir 4065 Route 27 Princeton, NJ 08540	2/05 Paid Twice	1,553.54
37.02/5.04 C0321	Harivadan, Merai 21 Victoria Drive Somerset, NJ 08873	2/05 Paid Twice	1,313.13

Resolution #05-117: Rescind Janitorial Contract for Community/Senior Center and Public Works – Twice As Clean Maintenance, LLC.

WHEREAS, on March 8, 2005, the Township rescinded the contract for janitorial services for the Public Safety Building; and

WHEREAS, the Township allowed the low bidder to continue his contract for the Community/Senior Center and Public Works Building after the contractor stated he would be able to fulfill that part of the contract, however, they have not performed the services specified nor returned telephone calls; and

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

WHEREAS, certified and regular letters were sent on March 11, 2005 notifying the vendor of the Township's intent to rescind the contract;

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

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

Resolution #05-118: Award Contract for the Cleaning of the Community/Senior Center and Public Works Building to PM Systems in an amount no to exceed \$6,000.00.

WHEREAS, the Township of Franklin desires to purchase items as follows which do not exceed the bid threshold but which exceed the limits set forth in Chapter 3, Section 3-13; and

WHEREAS, quotations as required by NJSA 40A:11-1 et seq. have been received;

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

ITEMS: Cleaning of Community/Senior Center and Public Works Building through June, 2005 or until new contract is in place

COST: Not to exceed \$6,000.00 for both buildings.

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

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

Resolution #05-119: Authorize Reimbursement of \$50,000 from Pulte Homes to Fire Prevention Bureau for the donation by Pulte Communities for a Fire Safety Trailer.

WHEREAS, in September, 2003, Pulte Homes announced they would donate \$50,000 to the Township to replace the existing “homemade” Fire Safety House with a commercially built Fire Safety House after the selling of 100 homes; and

WHEREAS, the construction time of the Fire Safety House is approximately six (6) months, the Commissioners of Fire District No. 1 agreed to front the money for this donation so the Fire Safety House could be ordered immediately; and

WHEREAS, the Township is in receipt of the \$50,000 donation from Pulte Homes;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, Somerset County, State of Jersey that it hereby authorized the reimbursement of \$50,000 for Fire District #1 for costs associated with the purchase of a Fire Safety House donated by Pulte Homes.

Resolution #05-120: Amend Resolution #05-093 – Submission of an Amendment to the Annual Action Plan Pursuant to the Requirements of Federal Regulation 24 CFR Part 91 – (CDBG Grant – 2003 – Earth House Bathroom Renovations).

WHEREAS, Resolution #05-093 entitled, “Resolution Authorizing the Submission of an Amendment to the Annual Action Plan pursuant to the Requirements of Federal Regulation 24 CFR Part 91” is hereby amended as follows:

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

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

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

WHEREAS, a public meeting has considered an amendment to the 2003 Annual Action Plan following publication of the proposal to provide for the following program changes:

Earth House Bathroom Renovations	Budgeted: \$ 9,300
	Amended: \$ 15,300

Building Demolition (2 Structures) In Redevelopment Zone	Budgeted: \$ 30,000 Amended: \$ 17,000
Housing Rehabilitation Deferred Loan Program And Administration	Budgeted: \$100,000 Amended: \$107,000

WHEREAS, Renovations at Earth House required much more extensive structural support repair work than originally anticipated. Repairs are of an urgent nature because women patients are unable to use the facilities. The Building Demolition project came in \$13,000 under the original estimate. Of this amount, \$6,000 was allocated to Earth House and the remaining funds allocated to the Housing Rehabilitation Program. In accordance with HUD regulations, the amendment has been published as a display ad a minimum of 30 days before the Council meeting;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of Franklin, in the County of Somerset, New Jersey that the Mayor be and is authorized and directed to submit the Township Franklin's amendment to the 2003 Annual Action Plan to the US Department of Housing and Urban Development and to provide such additional information as may be required.

BE IT FURTHER RESOLVED that the Township Clerk shall send a certified copy of this resolution to each of the following:

1. US Department of Housing and Urban Development
2. Chief Financial Officer
3. Grants Coordinator

Resolution #05-121: Award State Contract to Draeger Safety Diagnostics Inc. for Breath Alcohol Testing System in an amount not to exceed \$12,148.00.

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

VENDOR: DRAEGER SAFETY DIAGNOSTICS INC.
185 Suttle Street
Suite 209
Durango, CO 81303-7911
State Contract No. Waiver X-065

ITEMS: Breath Alcohol Testing System

COST: \$12,148.00

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 #05-122: Award Professional Services Agreement – Family and Community Services of Somerset County – ARISE Program and Substance Abuse Treatment Services – Grant Cycle: 10/01/03 – 05/31/05 - \$11,017.00.

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

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

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

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

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

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

VENDOR NAME: Family and Community Services of Somerset County
ADDRESS: 222 West Second Street, Bound Brook, NJ 08805
CONTRACT AMOUNT: Not to exceed \$11,017
SERVICE: ARISE Program & Substance Abuse Treatment Services
 Grant Cycle: 10/01/03 – 05/31/05

Resolution #05-123: Award Purchase – Dialogic Communications Corporation – Upgrade Community/Emergency Notification System - \$28,950.00.

WHEREAS, N.J.S.A. 40A:11-5 provides that contracts which exceed the bid threshold, may be negotiated and awarded by the governing body without public advertising for bids and bidding if it meets certain exceptions; and

WHEREAS, one exception is N.J.S.A. 40A:11-5 (dd), which states “the provision of performance of goods and services for the support of maintenance of proprietary computer hardware and software, except that this provision shall not be utilized to acquire or upgrade non-proprietary hardware or to acquire or update non-proprietary software”; and

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

WHEREAS, the below noted goods and services meet the criteria of N.J.S.A. 40A:11-5 (dd); and

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

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

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40:11-1 et seq.) requires that the resolution authorizing the award of contracts 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 purchase is awarded without competitive bidding under the provisions of the Local Public Contracts Law because it is listed as an exception to competitive bidding as per N.J.S.A. 40A:11-5 (dd).
- (3) A notice of this action shall be printed in the **LEGAL NEWSPAPER OF THE TOWNSHIP** as required by law within ten (10) days of its passage.

VENDOR NAME: Dialogic Communications Corporation
ADDRESS: 730 Cool Springs Blvd., Suite 300
Franklin, Tennessee 37068-2108
CONTRACT AMOUNT: \$28,950.00
SERVICE: Upgrade of existing Community/Emergency Notification System

Resolution #05-124: Authorize Grant from Historic Trust Fund to Meadows Foundation for Hageman Farm House Porches in an amount not to exceed \$15,000.00.

WHEREAS, Chapter 62, Historic Trust Funds, Section 62-1 and 62-2 set forth the purpose and establishment of a Trust Fund for Contributions towards cost of acquisition and preservation of historic structures; and

WHEREAS, Section 62-3 and 62-4 set forth the purpose for which expenditures may be made and the mechanism for decision of expenditures; and

WHEREAS, The Meadows Foundation has requested the Township Council to fund the improvements to the porches of the Hageman Farm House for the continued maintenance of this historic structure;

NOW THEREFORE, BE IT RESOLVED that the Township Council of the Township of Franklin, Somerset County does hereby authorize a grant from the Historic Trust Fund in the amount of \$15,000.00 to the Meadows Foundation for the improvements to the porches of the Hageman Farm House;

BE IT FURTHER RESOLVED that the Chief Financial Officer is authorized to issue a check from the Historic Preservation Trust Fund in the amount of \$15,000.00 to the Meadows Foundation; and

BE IT FURTHER RESOLVED that this resolution shall be adopted by a majority vote of the full membership of the Township Council as required by Section 62-4.

Resolution #05-129: Annual Compensation – Board of Fire Commissioners – Fire District #2 - \$3500 for Clerk, Treasurer, Assistant Clerk/Treasurer; Chairman and Vice Chairman.

WHEREAS, NJSA 40A:14-88 provides in pertinent part:

“Each member of the Board of Fire Commissioners shall receive as compensation such amount as the Board shall fix subject to review by the governing body wherein the Fire District is located”; and

WHEREAS, a letter dated March 10, 2005 from the Board of Commissioners, Fire District No. 2 has proposed Annual Compensation for various members of the Board of Fire Commissioners at \$3,500.00 each; and

WHEREAS, Township Council has carefully considered such proposed salaries; and

WHEREAS, the Township Council is of the opinion that the public interest would be best served by the approval of said proposed salaries;

NOW, THEREFORE, BE IT RESOLVED this 22nd day of March, 2005 by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey does hereby approve payment of the salaries as proposed in a letter dated March 10, 2005 adopted by the Board of Commissioners, Fire District No. 2.

Resolution #05-130: Amend Professional Service Contract – DMR Architects – Specifications and Plans for Animal Shelter – Additional \$2620.86.

WHEREAS, by resolution adopted January 23, 2003, Professional Service Agreement was authorized with DMR Architects for Specifications and Plans for the Animal Shelter in an amount not to exceed \$44,800.00; and

WHEREAS, a need exists to amend said contract to provide an additional \$2,620.86.00 therefor; and

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

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

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

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

- (1) The Mayor and Township Clerk are hereby authorized and directed to execute the below referenced amended agreement with the below stated vendor, which agreement shall be maintained on file with the Township Clerk and available for public inspection.

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

VENDOR NAME: DMR ARCHITECTS
ADDRESS: 99 Essex Street, Maywood NJ 07607
CONTRACT AMOUNT: Not to exceed an additional \$2,620.86
SERVICE: Specifications and Plans for Animal Shelter

Resolution #05-131: Authorize Release of Planning/Building Review Escrow.

WHEREAS, the Township of Franklin, Somerset County has received escrow monies for purposes of professional fees incurred for review of and/or testimony concerning an application for development in accordance with Section 112-29 of the Code of the Township of Franklin; and

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

APPLICANT: THE BOC GROUP, INCORPORATED

ADDRESS: 575 Mountain Avenue
 Murray Hill NJ 07974
DOCKET NO: PLN2002-0006
BLOCK/LOT: 528.04/130
LOCATION: Howard Avenue
AMOUNT DEPOSITED: \$400.00 K&K/Planning \$1,600.00 Plan Review
AMOUNT CHARGED: 312.50 962.50
AMOUNT TO BE REFUNDED: \$ 87.50 \$ 637.50

**APPLICANT: ODYSSEY BUILDERS, INCORPORATED
 (WESTMINSTER DEVELOPERS)**

ADDRESS: 1521 Lowell Avenue
 Erie PA 16505
DOCKET NO: PLN2002-0088
BLOCK/LOT: 152/1-16, 20-26 & 153/27-30
LOCATION:
AMOUNT DEPOSITED: \$1,875.00 Ritchie \$1,000.00 Heyer \$5,625.00 Schoor
AMOUNT CHARGED: 875.00 150.00 4,071.00

AMOUNT TO BE REFUNDED: \$ 0.00 \$ 850.00 \$1,554.00

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

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

Resolution #05-132: Performance Guarantee Release – PLN2002-0006 – The BOC Group, Inc. – Block 528.01/Lot 130 – Howard Street - \$253,962.00.

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

ITEM:	Irrevocable Letter of Credit
NAME OF APPLICANT:	The BOC Group, Incorporated
ADDRESS OF APPLICANT:	575 Mountain Avenue Murray Hill NJ 07974
NUMBER:	SM205126W
INSURANCE CO./BANK:	Wachovia
	401 Linden Street Winston-Salem NC 27101
IN THE AMOUNT OF:	\$253,962.00
FOR:	Site Improvements – Block 528.04/Lot 130 – Howard 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 subject to receipt of a two (2) year Maintenance Bond in the amount of \$38,094.30;

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

Resolution #05-133: Authorize Issuance of Raffles/Bingo Licenses.

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

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

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

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

<u>NAME OF ORGANIZATION</u>	<u>DATE OF RAFFLE/BINGO</u>
CentraState Healthcare Foundation 916 Route 33, Suite 6 Freehold, NJ 07728 Off-Premise 50/50 – RL#1490 Drawing: The Palace at Somerset	November 12, 2005 6:00 pm – 11:30 pm
St. Matthias Church 168 JFK Boulevard, Somerset, NJ	May 15, 2005 6:00 pm

Off-Premise Raffle – RL#1491

Drawing: Church Grounds

Resolution #05-134: 2005-06 Junkyard License – Somerset Recycling Center, Inc.

WHEREAS, Somerset Recycling Center, Incorporated has applied for renewal of their Junkyard License for the year 2005-2006 and has paid the required fee of \$1,000.00; and

WHEREAS, approval of issuance of 2005-2006 Junkyard License has been received from the Township Health Officer, Director of Fire Prevention, Zoning Officer, Township Engineer and Police Department; and

WHEREAS, Somerset Recycling Center, Incorporated has been found in compliance with Section 156-6 of the Township Code regarding Standards for Approval;

NOW, THEREFORE, BE IT RESOLVED that a Junkyard License be issued to Somerset Recycling Center, Incorporated, said license to commence April 1, 2005 and expire March 31, 2006 in compliance with Chapter 156 of the Township Code.

Resolution #05-135: Authorize Tax Title 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: June 13, 2002
Block/Lot: 117/1
Name & Address: Drecolias, Spyridon & Vicki
27 Weston Road
Somerset NJ 08873
(873 Somerset Street)
Amount: \$32,196.46
Make Check Payable To: Wachovia CT/M.D. SASS
123Broad Street, PA1328S
Philadelphia PA 19109
Certificate No.: 020067
Payment Received: March 3, 2005

Date of Sale: June 13, 2002
Block/Lot: 371/41.01
Name & Address: Gregory, Phillip & Tracey
34 Surrey Road
Somerset NJ 08873
Amount: \$858.78
Make Check Payable To: James C. Older
87 East Mountain Road
Hillsborough NJ 08844
Certificate No.: 020158

Payment Received: March 2, 2005

Date of Sale: June 10, 2003
Block/Lot: 371/41.01
Name & Address: Gregory, Phillip & Tracey
 34 Surrey Road
 Somerset NJ 08873
Amount: \$616.60
Make Check Payable To: James C. Older
 87 East Mountain Road
 Hillsborough NJ 08844
Certificate No.: 03-191
Payment Received: March 2, 2005

Date of Sale: June 8, 2000
Block/Lot: 96/26
Name & Address: Reid, Sam Jr. & Fran R.
 151 Churchill Avenue
 Somerset NJ 08873
Amount: \$2,461.66
Make Check Payable To: James C. Older
 87 East Mountain Road
 Hillsborough NJ 08844
Certificate No.: 02-159
Payment Received: March 7, 2005

Date of Sale: June 10, 2003
Block/Lot: 150/89
Name & Address: Kirkland, C. & Bullard, M.
 689 Somerset Street
 Somerset NJ 08873
Amount: \$717.96
Make Check Payable To: Plymouth Financial Company
 PO Box 2288
 Morristown NJ 07962-2288
Certificate No.: 03-087
Payment Received: March 4, 2005

Date of Sale: June 11, 1998
Block/Lot: 199/11
Name & Address: Bankers Trust of CA
 3 Park Plaza, 16th Floor
 Irvine CA
 (167 Harrison Street)
Amount: \$363.29
Make Check Payable To: James Pilewski
 3 Devon Lane
 Warren NJ 07059
Certificate No.: 98-04
Payment Received: March 4, 2005

Date of Sale: June 10, 1999
Block/Lot: 199/11
Name & Address: Bankers Trust of CA
 3 Park Plaza, 16th Floor
 Irvine CA
 (167 Harrison Street)
Amount: \$1,735.65

Make Check Payable To: James Pilewski
3 Devon Lane
Warren NJ 07059

Certificate No.: 990012

Payment Received: March 4, 2005

Date of Sale: June 8, 2000

Block/Lot: 199/11

Name & Address: Bankers Trust of CA
3 Park Plaza, 16th Floor
Irvine CA
(167 Harrison Street)

Amount: \$4,792.62

Make Check Payable To: James Pilewski
3 Devon Lane
Warren NJ 07059

Certificate No.: 20-19

Payment Received: March 4, 2005

Date of Sale: June 8, 2004

Block/Lot: 424.02/11.150

Name & Address: Cameron, Bernard J.
145 Carson Court
Somerset NJ 08873

Amount: \$388.92

Make Check Payable To: JNH Funding Corporation
90 Dayton Avenue, Building 6C
Passaic NJ 07055

Certificate No.: 040103

Payment Received: March 8, 2005

Resolution #05-137: Amend State Contract with Minolta for recreation photocopier for an additional \$1200 for additional copies over 20,000 during the contract period of August 1, 2001 through July 31, 2004.

WHEREAS, the photocopier which Recreation had was on a three-year cost-per-copy lease through the State of New Jersey and allowed 20,000 copies per month for a set fee of \$235.00 per month and \$,01175 per copy for copies over 20,000 for the contract period of August 1, 2001 to July 31, 2004; and

WHEREAS, at time, copies exceeded the 20,000 per month and there is a need to amend the contract amount;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, Somerset County, New Jersey that the contract with Minolta for the contract period of August 1, 2001 to July 31, 2004 be amended in pertinent part as follows:

MINOLTA CORPORATION
100 Williams Drive
Ramsey NJ 07446

Additional Amount: \$1200

Resolution #05-138: Award Competitive Contract – Spatial Data Logic – Municipal Government Automation Software - \$54,550.00.

WHEREAS, the Township of Franklin is desirous of contracting for municipal government automation software; and

WHEREAS, N.J.S.A. 40A:11-4 et. seq. provides that the provision of specialized goods and services requires sealed bids, and that price and other factors can be considered when awarding a contract; and

WHEREAS, quotations for the provision of municipal government automation software was publicized;

BE IT RESOLVED by the Township Council of the Township Council of the Township of Franklin, Somerset County, NJ that the following contract be awarded to:

**SPATIAL DATA LOGIC
270 Davidson Avenue, Suite 301
Somerset, NJ 08873**

Amount not to exceed \$54,550.00; and

BE IT FURTHER RESOLVED that the Mayor and Township Council be and the same are hereby authorized to enter into a contract with the above listed provider; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified hereon that funds are available; and

BE IT FURTHER RESOLVED that notice of this action shall be printed in the official Township newspaper as required by law.

Resolution #05-139: Extend Award of Competitive Contract – DPW-GIS Based Asset Management – New Town Management Software – May 3, 2005.

WHEREAS, competitive proposals were received for award for the DPW GIS-Based Asset Management portion of the new Towns Management Software; and

WHEREAS, award of a competitive contract shall be within sixty (60) days of the receipt of proposals, except that the proposals of any vendors who consent to it, may, at the request of the contracting unit, be held for consideration for a longer period as may be agreed; and

WHEREAS, it is the recommendation of the Network Administrator and the Township Engineer to extend the period to award the competitive contract for the DPW GIS-Based Asset Management portion of the new Towns Management Software to allow for additional review of the bid and associated costs and the various licensing methods available; and

WHEREAS, the vendor(s) has(ve) consented extension to award the competitive contracts for the DPW GIS-Based Asset Management portion of the new Towns Management Software to May 3, 2005;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, Somerset County, State of New Jersey that it hereby approves the extension to award the competitive contracts for the DPW GIS-Based Asset Management portion of the new Towns Management Software to May 3, 2005.

Resolution #05-140: Discharge for the Second Repayment Mortgage – Affordable Housing – Patel from Shah – 70 Topaz Drive.

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 a Discharge of Second Repayment Affordable Housing Management Services Mortgage for the premises known as 70 Topaz Drive; Block 34.09 Lot 59.02.111 on the tax map of the Township of Franklin, subject to the execution by the purchaser of a repayment mortgage in accordance with New Jersey Council on Affordable Housing regulations pursuant to NJAC 5:93-1 et seq.

Resolution #05-141: Discharge of Mortgage – Affordable Housing – Santorella from Alisa V. Davis-Albert – 15 Townsend Court, Franklin Park.

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 a Discharge of Affordable Housing Management Services Mortgage for the premises known as 15 Townsend Court; Block 34.06 Lot 16.05 1716 on the tax map of the Township of Franklin, subject to the execution by the purchaser of a repayment mortgage in accordance with New Jersey Council on Affordable Housing regulations pursuant to NJAC 5:93-1 et seq.

APPOINTMENTS

Mr. Chivukula moved the following appointments:

Sydney Plummer as a Youth Services Member to the Municipal Alliance/Youth Service Commission for a one-year term ending December 31, 2005.

Marvin Coble as Planning Board Alternate #1 for an unexpired two-year term ending December 31, 2005.

Said motion was seconded by Mr. Sumter and carried unanimously upon voice vote.

EXECUTIVE SESSION

The following resolution was moved by Mr. Chivukula, 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			Regan
Danile	Eberle			Ritchie
Levine	McKenzie			
Sumter				

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

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

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

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matters:
2. The general nature of the subject matter to be discussed is as follows: *Tax Appeal Settlements:*

Block 32/Lot 1.02 – Rt. 27/Vliet Road
Block 467/Lot 1.01 – Davidson Avenue
Block 468.09/Lot 48 – Worlds Fair Drive
Block 468.11/Lot 17 – Worlds Fair Drive

3. The Township Council may take official action on those items discussed in Executive Session upon completion of the Executive Session.

4. The minutes of the discussion shall be made available to the public as soon as the matters under discussion are no longer of a confidential or sensitive nature.
5. This resolution shall take effect immediately.

The meeting adjourned to Executive Session at 11:20 p.m. Deputy Mayor McKenzie moved to resume the meeting at 11:35 p.m. Said motion was seconded by Ms. Danile and carried unanimously upon voice vote.

RESOLUTIONS – TAX APPEAL SETTLEMENTS

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

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

Resolution #05-125: Authorize Settlement of Tax Appeal – Laurence M. Field Fund – Route 27 and Vliet Road – Block 32, Lot 1.02 – Years 2001, 2002 and 2003.

WHEREAS, Laurence M. Field Fund is the owner of certain property located on Route #27 and Vliet Road and now as Block 32, Lot 1.02; and

WHEREAS, the owner has filed appeals to the Tax Court of New Jersey for said premises for the farmland rollback assessment for the years 2001, 2002 and 2003; and

WHEREAS, the parties have engaged in settlement negotiations;

WHEREAS, as a result of those settlement negotiations, a settlement has been reached; and

WHEREAS, the current farmland rollback assessment on the subject premises for the tax years 2001, 2002 and 2003 is as follows:

LAND	\$1,925,000
IMPROVEMENTS	\$ <u> 0</u>
TOTAL	\$1,925,000

WHEREAS, the following reduced farmland rollback assessment is proposed for 2001:

LAND	\$1,675,000
IMPROVEMENTS	\$ <u> 0</u>
TOTAL	\$1,675,000

WHEREAS, the following reduced assessment is proposed for 2002:

LAND	\$1,675,000
IMPROVEMENTS	\$ <u> 0</u>
TOTAL	\$1,675,000

WHEREAS, the 2003 rollback assessment will remain:

LAND	\$1,925,000
IMPROVEMENTS	\$ <u> 0</u>

TOTAL **\$1,925,000**

WHEREAS, all tax refund are to be made payable jointly to Laurence M. Field Fund, plaintiff and Frizell & Samuels, P.C., attorneys for plaintiff, and forwarded to Bruce Samuels, Esq., Frizell & Samuels, P.C., P.O. Box 474, Metuchen, NJ 08840; and

WHEREAS, the Township Attorney and the Tax Assessor have recommended that said settlement to the Township Council; and

WHEREAS, the Township Council is of the opinion that said settlement is in the best interests of the Township of Franklin;

NOW, THEREFORE, BE IT RESOLVED this 22nd day of March 2005 by the Township Council of the Township of Franklin, County of Somerset, State of New Jersey, that the settlement in this matter as set forth herein above be and the same approved, and the Township Attorney is hereby authorized and directed to affect said settlement.

Resolution #05-126: Authorize Settlement of Tax Appeal – Equistar Somerset – 110 Davidson Avenue – Marriot Hotel – Block 467, Lot 1.01 – Year 2004.

WHEREAS, Equistar SOM is the owner of certain property located at 110 Davidson Avenue and known as Block 467, Lot 1.01; and

WHEREAS, the owner has filed appeals to the Tax Court of New Jersey for said premises for the years 2003 and 2004; and

WHEREAS, the parties have engaged in settlement negotiations;

WHEREAS, as a result of those settlement negotiations, a settlement has been reached; and

WHEREAS, the current assessment on the subject premises for the tax years 2003 and 2004 is as follows:

LAND	\$ 2,482,200
IMPROVEMENTS	<u>\$27,897,800</u>
TOTAL	\$30,380,000

WHEREAS, Equistar SOM has agreed to withdraw its appeal for the 2003 tax year;

WHEREAS, the following reduced assessment is proposed for 2004:

LAND	\$ 2,482,200
IMPROVEMENTS	<u>\$21,517,800</u>
TOTAL	\$24,000,000

WHEREAS, all tax refund are to be made payable jointly to Equistar SOM, plaintiff and Peter L. Davidson, attorney for plaintiff, and forwarded to Peter L. Davidson, Esq., LLC, 22 Ball Street, Irvington, NJ 07111; and

WHEREAS, the Township Attorney and the Tax Assessor have recommended that said settlement to the Township Council; and

WHEREAS, the Township Council is of the opinion that said settlement is in the best interests of the Township of Franklin;

NOW, THEREFORE, BE IT RESOLVED this 22nd day of March 2005 by the Township Council of the Township of Franklin, County of Somerset, State of New Jersey, that the

settlement in this matter as set forth herein above be and the same approved, and the Township Attorney is hereby authorized and directed to affect said settlement.

Resolution #05-127: Authorize Settlement of Tax Appeal – HPT CWII Properties Trust – 41 Worlds Fair Drive – Candlewood Suites Hotel - Block 468.09, Lot 48 – Year 2003.

WHEREAS, HPT CW II Properties Trust is the owner of certain property located at 41 Worlds Fair Drive and known as Block 468.09, Lot 48; and

WHEREAS, the owner has filed appeals to the Tax Court of New Jersey for said premises for the years 2003 and 2004; and

WHEREAS, the parties have engaged in settlement negotiations;

WHEREAS, as a result of those settlement negotiations, a settlement has been reached in which HPT CW II Properties Trust has withdrawn its 2004 appeal; and

WHEREAS, the current assessment on the subject premises for the tax years 2003 is as follows:

LAND	\$ 427,000
IMPROVEMENTS	<u>\$7,573,000</u>
TOTAL	\$8,000,000

WHEREAS, the following reduced assessment is proposed for 2004:

LAND	\$ 427,000
IMPROVEMENTS	<u>\$6,573,000</u>
TOTAL	\$7,000,000

WHEREAS, all tax refund are to be made payable jointly to HPT CW II Properties Trust, plaintiff and Michael I. Schneck, attorney for plaintiff, and forwarded to Michael I. Schneck, Wolf Block Brach Eichler, 101 Eisenhower Parkway, Roseland, NJ 07068; and

WHEREAS, the Township Attorney and the Tax Assessor in consultation with the Township's appraisal expert, Victor DiSanto have recommended that said settlement to the Township Council; and

WHEREAS, the Township Council is of the opinion that said settlement is in the best interests of the Township of Franklin;

NOW, THEREFORE, BE IT RESOLVED this 22nd day of March 2005 by the Township Council of the Township of Franklin, County of Somerset, State of New Jersey, that the settlement in this matter as set forth herein above be and the same approved, and the Township Attorney is hereby authorized and directed to affect said settlement.

Resolution #05-128: Authorize Settlement of Tax Appeal – NSG American, Inc. – 8 Worlds Fair Drive – Block 468.11, Lot 17 – Year – 2003 Omitted Assessment and 2004 Added Assessment.

WHEREAS, NSG America Inc. is the owner of certain property located at 8 Worlds Fair Drive and known as Block 468.11, Lot 17; and

WHEREAS, the owner has filed appeals to the Tax Court of New Jersey for said premises for the year 2004; and

WHEREAS, the parties have engaged in settlement negotiations;

WHEREAS, as a result of those settlement negotiations, a settlement has been reached in which HPT CW II Properties Trust has withdrawn its 2004 appeal; and

WHEREAS, the current assessment on the subject premises for the tax years 2004 is as follows:

LAND	\$ 0
IMPROVEMENTS	<u>\$5,022,800</u>
TOTAL	\$5,022,800

WHEREAS, the following reduced added assessment is proposed for 2004:

LAND	\$ 0
IMPROVEMENTS	<u>\$4,175,100</u>
TOTAL	\$4,175,100

WHEREAS, all tax refund are to be made payable jointly to NSG America Inc., plaintiff and McGimpsey & Cafferty, attorneys for plaintiff, and forwarded to Thomas J. Cafferty, Esq., McGimpsey & Cafferty, 285 Davidson Avenue, Suite 404, Somerset, NJ 08873; and

WHEREAS, the Township Attorney and the Tax Assessor have recommended that said settlement to the Township Council; and

WHEREAS, the Township Council is of the opinion that said settlement is in the best interests of the Township of Franklin;

NOW, THEREFORE, BE IT RESOLVED this 22nd day of March 2005 by the Township Council of the Township of Franklin, County of Somerset, State of New Jersey, that the settlement in this matter as set forth herein above be and the same approved, and the Township Attorney is hereby authorized and directed to affect said settlement.

ADJOURNMENT

Deputy Mayor McKenzie moved to adjourn the meeting at 11:40 p.m. Said motion was seconded by Mr. Chivukula and carried unanimously upon call of the roll.

Approved:

Brian D. Levine, Mayor

Date:

Ann Marie McCarthy, Township Clerk