

REGULAR MEETING OF THE TOWNSHIP COUNCIL
TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, NEW JERSEY
JUNE 10, 2003

The Regular Meeting of the Township Council of the Township of Franklin, County of Somerset, New Jersey, held at 475 DeMott Lane, Somerset, was called to order by the Mayor at 8:07 P.M.

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

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

The invocation was given by Deputy Mayor Grippo.

The Acting Township Clerk called the roll.

Present: Mayor Sumter, Deputy Mayor Grippo, Ms. Barrier, Mr. Chivukula, Ms. Eberle, Mr. Levine, Mr. McKenzie, Mr. Mettler

Absent: Mr. Mazzola

Also Present: Louis N. Rainone, Esq., Township Attorney, Kenneth W. Daly, Township Manager, Marc D. Dashield, Acting Township Clerk

COMMENDATION – FRANKLIN TOWNSHIP HIGH SCHOOL PRODUCTION OF “RAGTIME”

Read by Deputy Mayor Grippo

WHEREAS, the May, 2003 production of “Ragtime” at Franklin High School was more than a student musical; and

WHEREAS, this superb production taught lessons of tolerance, peace and equality; and

WHEREAS, hundreds of people for four performances witnessed the superior talent and ability of our Franklin High School students; and

WHEREAS, the students portrayed the lives and struggles of people reaching the shores of America; and

WHEREAS, “Ragtime” represents the rich treasure of Franklin Township’s multi-cultural community; and

WHEREAS, the Township Council praises the level of commitment and dedication of the producers and directors, Jim and Betty DeMonic,

NOW, THEREFORE, BE IT RESOLVED that I, **MAYOR WILLIS ‘RICKEY’ SUMTER, ON BEHALF OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, NEW JERSEY**, do hereby commend and thank the cast and crew of “Ragtime” for their excellent performances offered to our community.

Mayor Sumter presented the commendation to Betty and Jim DiMonic. Betty DiMonic thanked the Council on behalf of the students and staff who participated in the production.

Deputy Mayor Grippo informed the public that the commendation presented to the students will be placed in full in the official minutes of the Township Council. Mayor Sumter expressed his excitement over the production and indicated that the director and students did an excellent job. Mr. Mckenzie also indicated the he was impressed by the performance of the students and called the show magnificent.

REGULAR MEETING – JUNE 10, 2003COMMENDATION – ELLEN E. RITCHIE – DIRECTOR OF PLANNING/
COUNSULTANT**Read by Deputy Mayor Grippo**

WHEREAS, ELLEN E. RITCHIE, has served the residents, most especially the Planning and Zoning Boards of Adjustment, of the Township of Franklin, serving as Director of Planning from 1984 to 2002 and as Planning Consultant to the Planning and Zoning Board of Adjustment from 2002 to 2003; and

WHEREAS, during her tenure, **ELLEN E. RITCHIE** has provided invaluable assistance to staff, Council and residents through her expertise as a Professional Planner and Certified Landscape Architect; and

WHEREAS, ELLEN E. RITCHIE is leaving the service of Franklin Township to take on additional challenges with the New Jersey State Department of Community Affairs,

NOW, THEREFORE, I, WILLIS SUMTER, MAYOR of the Township of Franklin in the County of Somerset, State of New Jersey, on behalf of the Township Council and all of the residents do hereby thank

ELLEN E. RITCHIE

for her dedication and service to our community and for the benefits reaped by the Township of Franklin through her efforts and do hereby extend best wishes for success and happiness in your future endeavors.

Mayor Sumter presented the Commendation to Ellen E. Ritchie. All the members of Council thanked Ellen for her many years of service to the Township. Ellen Ritchie briefly thanked all the members of Council for their recognition.

MINUTES – WORK SESSION/REGULAR MEETING – APRIL 22, 2003

Motion was made by Ms. Eberle and seconded by Mr. Grippo to approve the Minutes of the Work Session/Regular Meeting of April 22, 2000; motion was carried unanimously by those Councilmembers present at those meetings.

WARRANTS – JUNE 10, 2003**Read by Acting Township Clerk Dashield**

1	Current Fund	10,764,135.19
5	Water Operating	138,782.81
6	Water Capital	312,656.20
4	General Capital	50,856.91
15	General Trust	96,116.82
18	Self Insurance Trust Fund	6,868.75
21	Recreation Trust	2,278.96
12	Open Space Trust	6,000.00
2	Grant Fund	2,850.53
17	Workers' Compensation	0
	Unemployment Trust	0
	Employee Payroll Deduction	0
3	Collector Trust	2,004.79
14	Dog Revenue	123.75
	Community Foundation	0
22	General Ledger: Current	0
13	Redevelopment Agency	0
23	Agency Payroll	0
	SUB-TOTAL	11,382,674.71
25	Escrow Account	43,321.25

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19	Voided Checks	0
20	Adjustments	0
	GRAND TOTAL	<u>\$11,425,995.96</u>

Motion was made by and seconded by to approve the Warrants. Acting Township Clerk Dashield polled the Board, the vote being as follows:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>
Ms. Barrier	Mr. Levine	No One	No One
Mr. Chivukula	Mr. McKenzie		
Ms. Eberle	Mr. Mettler	<u>ABSENT</u>	
Mr. Grippo	Mayor Sumter		Mr. Mazzola

Motion was carried.

8. LIQUOR LICENSE – PLENARY RETAIL CONSUMPTION LIQUOR LICENSE (HOTEL/MOTEL EXCEPTION) TOUCAN SOMERSET, LLC – 1850 EASTON AVENUE

The Acting Township Clerk directed the Council to a letter from the applicant indicating their desire to postpone the hearing until July 8, 2003; Council concurred.

9. ORDINANCE HEARING – AMEND CODE – CHAPTER 44, PERSONNEL POLICIES – SECTION 44-5, SCOPE AND APPLICABILITY

Acting Township Clerk Dashield read by title:

"AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, SOMERSET COUNTY, NEW JERSEY, MORE PARTICULARLY CHAPTER 44, PERSONNEL – SECTION 44-5, SCOPE AND APPLICABILITY". Acting Township Clerk Dashield noted that the Township Attorney has approved the Affidavit of Publication and that a public hearing on the ordinance is in order.

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

The Mayor then asked for persons desiring to speak to give their names and addresses to the Clerk.

No one from the public spoke

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

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

The Acting Township Clerk polled the Board, the vote being as follows:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>
Ms. Barrier	Mr. Levine	No One	No One
Mr. Chivukula	Mr. McKenzie		
Ms. Eberle	Mr. Mettler	<u>ABSENT</u>	
Mr. Grippo	Mayor Sumter		Mr. Mazzola

Motion was carried.

REGULAR MEETING – JUNE 10, 2003**10. ORDINANCE HEARING – AMEND CODE – CHAPTER 52, SALARIES & COMPENSATION – SECTION 52-5, FULL-TIME WHITE COLLAR MUNICIPAL EMPLOYEES**

Acting Township Clerk Dashield read by title:

"AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, SOMERSET COUNTY, NEW JERSEY, MORE PARTICULARLY CHAPTER 52, SALARIES AND COMPENSATION – SECTION 52-5, ANNUAL COMPENSATION (FULL TIME WHITE COLLAR MUNICIPAL EMPLOYEES)". Acting Township Clerk Dashield noted that the Township Attorney has approved the Affidavit of Publication and that a public hearing on the ordinance is in order.

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

The Mayor then asked for persons desiring to speak to give their names and addresses to the Clerk.

No one from the public spoke.

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

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

The Acting Township Clerk polled the Board, the vote being as follows:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>
Ms. Barrier	Mr. Levine	No One	No One
Mr. Chivukula	Mr. McKenzie		
Ms. Eberle	Mr. Mettler		<u>ABSENT</u>
Mr. Grippo	Mayor Sumter		Mr. Mazzola

Motion was carried.

11. ORDINANCE HEARING – AMEND ORDINANCE NO. 3332 – ACQUISITION – OPEN SPACE TRUST FUND – 514 NASSAU AVENUE – BLOCK 485/LOT 13

Acting Township Clerk Dashield read by title:

"AN ORDINANCE TO AMEND ORDINANCE NO. 3332 TO ACQUIRE BY PURCHASE OR CONDEMNATION CERTAIN LANDS WITHIN THE TOWNSHIP OF FRANKLIN, SOMERSET COUNTY, FOR PARKS AND CONSERVATION PURPOSES – BLOCK 485/LOT 13 – 514 NASSAU STREET". Acting Township Clerk Dashield noted that the Township Attorney has approved the Affidavit of Publication and that a public hearing on the ordinance is in order.

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

The Mayor then asked for persons desiring to speak to give their names and addresses to the Clerk.

No one from the public spoke

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

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

The Acting Township Clerk polled the Board, the vote being as follows:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>
Ms. Barrier	Mr. Levine	No One	No One
Mr. Chivukula	Mr. McKenzie		
Ms. Eberle	Mr. Mettler	<u>ABSENT</u>	
Mr. Grippo	Mayor Sumter		Mr. Mazzola

Motion was carried.

12. ORDINANCE HEARING – LEASE RENEWAL – FLORENCE E. GUNTHER – A PORTION OF LOT 20.01 IN BLOCK 36.01 – 699 SOUTH MIDDLEBUSH ROAD

Acting Township Clerk Dashield read by title:

"AN ORDINANCE AUTHORIZING THE LEASE OF CERTAIN PREMISES OWNED BY THE TOWNSHIP OF FRANKLIN IN THE COUNTY OF SOMERSET AND STATE OF NEW JERSEY, TO FLORENCE E. GUNTHER, FOR UTILIZATION AS A RESIDENTIAL DWELLING WITHIN THE OPEN SPACE AREA OWNED BY THE TOWNSHIP OF FRANKLIN". Acting Township Clerk Dashield noted that the Township Attorney has approved the Affidavit of Publication and that a public hearing on the ordinance is in order.

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

The Mayor then asked for persons desiring to speak to give their names and addresses to the Clerk.

No one from the public spoke

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

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

The Acting Township Clerk polled the Board, the vote being as follows:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>
Ms. Barrier	Mr. Levine	No One	No One
Mr. Chivukula	Mr. McKenzie		
Ms. Eberle	Mr. Mettler	<u>ABSENT</u>	
Mr. Grippo	Mayor Sumter		Mr. Mazzola

Motion was carried.

13. PUBLIC DISCUSSION

Motion was made by Ms. Barrier and seconded by Mr. Levin to open the meeting for public discussion; motion was carried unanimously.

Mayor Sumter asked that persons who desired to speak give their names and addresses to the Township Clerk.

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Russell Jones – Resident of Countryside Townhomes and President of the Board of Trustees spoke. Mr. Jones voiced the following concerns:

1. The grading on the property was not complete
2. The developer does not have any work in progress
3. The developer is ignoring the consent order
4. The developer has not paid all of the penalties assessed

Mr. Jones asked for the Township Council to direct Construction Official Jim Anderson to enforce the consent order reached at the Construction Board of Appeals and ensure that all required work is completed.

Township Attorney Lou Rainone responded to Mr. Jones' concerns indicating that as Township Attorney he would be responsible for the enforcement of the consent order with the assistance of Mr. Anderson. The Township Attorney indicated that he will be contacting Mr. Anderson and the County Board of Construction Appeals to enforce the consent order.

The Township Attorney indicated that would provide an update on June 26, 2003

Delorces Gonzalez – resident of Countryside questioned why the developer has not paid all fines assessed him.

The Township Attorney responded by indicating that all fines were resolved by the consent order. The Township Attorney further explained that the consent order had been structured to ensure that the developer admitted to the violations cited. Consequently, the developer will be responsible for all penalties. Mr. Rainone explained that the developer has not had to pay any penalties until such time as the work is completed. This arrangement would allow the Township to determine the amount of penalties based on how well the developer complied with the order. Therefore in response to Ms. Gonzalez concerns the penalties are still in effect.

Ms. Gonzalez,'s second issue was with the conditions of Countryside particularly in terms of the greenery on the site. Ms. Gonzalez indicated that she believed that the Township required more trees to be place on the property.

Township Manager Daly responded indicating that the Township did not regulate landscaping. The Township could only enforce the landscaping as it pertained to an approved site plan

The Township Attorney explained that the Township jurisdiction is limited in scope and could only deal with violation of the building code or an approved site plan. He further stated that a number of the concerns of the residents of the Countryside development could only be remedied through the actions of the individual homeowner against the developer. However, the Township Attorney assured the residents that the Township was committed to the enforcement of the consent order but the residents must also assert their individual rights.

April Mitchell – Raised concerns about the stagnate water due to the failure of the developer to make the necessary corrections. She requested that the Health Department to do something about the issue.

Township Manager Daly responded by indicating the developer has to first make the correction to relieve the situation, but he will contact the Health department and request that they contact County mosquito control.

Michael Hill, Countyside - questioned Council on how some townhomes have basements that were built ten cinderblocks high and others thirteen cinderblocks high and is that in compliance with the building code.

Township Attorney indicated that the Township does not enforce the specification presented by the builder. The building code only requires that what is actually built meets minimum requirements of the building code. As long as structures meet the

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building code standards the Township does have not enforcement authority. The attorney indicated that the purpose of the building code is to regulate minimum standards for safety.

Lucretia Cortelyou – 1892 Amwell Road – Referred to the press release in the Home News Tribune concerning Deputy Mayor Grippo's proposal to have a moratorium on annual assessments for three years to review the tax situation. Ms. Cortelyou agreed with Mr. Grippo's assessment of the tax situation but disagreed with his method for resolving it. Ms. Cortelyou asserted that tax increases are caused by spending, such as the increase in the library funding and the funding of a skate board park

James Bailey – Complained about the traffic condition near the new Fine Fare store. Particularly, he was concerned that people cannot cross the street due to the speed of the traffic. Mr. Bailey requested cross walks.

Mayor Sumter responded that the Township staff is working on the traffic calming problem in the area.

Ms. Barrier provided some additional information on efforts being made in the Hamilton Street area to assist with the traffic issues. These efforts include the police department increasing enforcement of speed limits and jay walking citations.

William Evans – Asked when the website is updated with agenda changes. Acting Township Clerk responded that the agenda is updated the Friday before the meeting when the final agenda has been completed.

Mike Orsini believed that the assessment resolution is a good idea. Mr. Orsini argued that residents would begin to see that spending is the main reason for tax increases, and if the Township had a stable tax rate it would be easier to determine the raise in the spending.

John Walker, Claremont Road, Franklin Park, discussed the issue of Raceway gas station contamination. Mr. Walker was concerned that the residents were not getting much information from the owners of the gas station and was looking to Council for some help. Mr. Walker indicated that 40 wells have been tested and 90% had detectable levels of Mtbe and one well was found with over half the acceptable levels of Mtbe. He thought Council should consider running a waterline off Bennington Parkway. He also stated the Township has been working to assist the residents, however the Township has no real advocate. In his opinion, the Township should hire an Environmental Attorney to represent the Township and the residents. Mr. Walker laid out the following points for the Council to consider:

- Township should hire an Environmental Attorney
- Township has some liability on this issue because they know something about the issue
- Best solution is to get water into the area
- Wells should be abandoned, but residents should not have to pay for water connections when they did not create the problem
- Township should investigate ways to be compensated to cover the cost of running water line and Raceway should have to pay for it

Bob Jensen 26 Bennington Parkway, thanked John Walker for his comments. Mr. Jensen asked Council if they would like to drink water from his well which has acceptable levels of Mtbe.

Hilda Jensen, 26 Bennington Parkway, thanked John Walker and stated the any level of Mtbe is not an acceptable level.

Motion was made by Deputy Mayor Grippo and seconded by Mr. Chivukula to close the public portion of the meeting; motion was carried unanimously.

REGULAR MEETING – JUNE 10, 2003**14. COUNCIL COMMENTS**

Mr. Mettler refined from comments

Ms. Barrier made the following comments:

- On the issue raised by Countryside residents, Ms. Barrier indicated that she understood the frustration of the residents and the Township would within its authority assist the residents
- Ms Barrier announced the following events :
 - The state of New Jersey Battle of Monmouth Events June 25th at Rocky Hill and Rockingham 12 noon to 1:30
 - Veteran Luncheon at Kingston school on the 26th
- Ms Barrier announced a free medical clinic on Zaraphath property opening in July
- Ms. Barrier announced the Township is discussing issues concerning the water condition in Franklin Park area and public hearings will be set up for that purpose.

Mr. McKensie – no comments

Ms. Eberle – Commented on the Countryside situation and indicated she went on a tour and understood the concern of the residents of Countryside.

Mr. Chivulula –Commented that he also went on the tour at Countryside an understands the concerns. On the issue of contamination in Franklin Park, Mr. Chivukula informed the public that he has been working with DEP to find a solution

Mr. Levin reminded every one that the June 26th meeting would be at 8 a.m. Mr. Levin also commented on the following issues:

- Concerning Countryside – The Township by law is responsible for looking at the public safety issue surrounding buildings
- On the issue of reassessments, Mr. Levin indicated that spending is the driving force in tax increases not assessments
- Mr. Levin was concerned by a letter from the Board of Education that suggested that Franklin Township Council elected to impose 1.6 cut in the school budget. Mr. Levin stated that the reduction in the budget was the result of the voters defeat of the school budget.
- Mr. Levin also expressed concerns that the letter implied the Council cut programs when the Council made special efforts not to cut existing programs.

Mr. Grippo commented:

- On the Road to Monmouth events to begin later this month
- Mr. Grippo announced that Former Mayor Clyde has received a second heart transplant. And is doing well. He also encouraged people to reach out to him.

15. RESOLUTION - CONSENT AGENDA**Read by Acting Township Clerk Dashield**

The items listed within the Consent Agenda portion of this meeting have been referred to the Township Council for reading and study, are considered routine and will be enacted by one motion of the Township Council with no separate discussion. If separate discussion is required, the item may be removed from the agenda by request of a Township Council member and placed on the regular agenda.

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- A. Tax Title Lien Redemptions:
Johnson, Lyndell M. - Block 34.03/16.01 C0281 - \$ 88.88
Frederickson, Rodney - Block 386.10/63 - \$957.92
- B. Audit – FY2002- Accept
- C. Audit – FY2002 – Adopt Corrective Action Plan
- D. Purchase – Trademark Plumbing and Heating -General Plumbing Work as needed
Basis – November 1, 2003 to October 2004 - \$24,000.00
- E. Purchase – Game Time c/o Marturano Recreation – Playground Equipment Various
Parks- \$94,806.00
- F. Purchase - Professional Service – R & R Electronics – Radar Units w/Dual
Antennas for Police Vehicles - \$10,566.00
- G. Contract – McConnell Electric – General Electrical Work on As Need Basis-
November 1, 2003 to October 30, 2004 - \$24,000.00
- H. Shared Services Agreement – Somerset County– Reimbursement Improvements
Schoolhouse Road Improvements, (Elizabeth Avenue to Belmont Drive) -
\$217,156.10
- I. Purchase – Somerset County Cooperative – Timerman Equipment Company – **Street
Sweeper - \$165,520.00**
- J. Approval – Out of State Travel – Michele Samarya-Timm – Annual Education
Conference June 7-11, 2003 - National Environmental Health Association –Nevada –
No Cost to Township
- K. Waiver of Fees – Franklin Somerset First Aid Squad – Uniform Construction Code
Fees
- L. Reduction Performance Bond – Mid State Equity Development Company -
\$87,527.00 to \$26,258.00
- M. Release Street Opening Permit – Johnson Building Corporation – Permit # 5939,
5938, 5941 & 5940 -\$2,400.00
- N. Agreement – Storm Water Facility Agreement –Franklin Township Board of
Education- Block 514, Lot 35, 38, 52 and 54.01
- O. Approval Fire Work Display – Correction of Rain Date – Sunday, July 6, 2003
- P. Professional Services Agreement- Schaefer Pyrotechnics – July 4, 2003 Fireworks
Display - \$11,000.00
- Q. Special Event Permit - St. Sharbel Maronite Church - Festival - Friday, June 27 -
Sunday, June 29, 2003
- R. Accept Resignation- Anthony Findley – Regular Member Planning Board
- S. Authorize Raffle/Bingo
- T. Grant Application – Somerset County – Municipal Alliance - \$37,500.00/ Township
Cash Match 25% \$9,375.00
- U. **Rescind Contract – 4th of July Fireworks – International Fireworks**

REGULAR MEETING – JUNE 10, 2003THE FOLLOWING ARE THE ITEMS OF THE CONSENT AGENDA:**A. 03-264 RESOLUTION - TAX TITLE LIEN REDEMPTION - OUTSIDE BUYER**

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

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

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

<u>DATE OF SALE</u>	<u>BLOCK/LOT</u>	<u>NAME</u>	<u>AMOUNT</u>
June 7, 2001	34.03/16.01 C0281	JOHNSON, LYNDELL M. 31 Crabapple Lane Franklin Park NJ 08823	\$ 88.00
PAID:	May 19, 2003	CERT #01-24	
LIENHOLDER:	Strategic Lien Services	Annandale NJ 08801	
	PO Box 37		
June 7, 2001	386.10/63	FREDERICKSON, RODNEY 63 Almond Drive Somerset NJ 08873	\$957.92
PAID:	May 23, 2003	CERT #01-173	
LIENHOLDER:	James Pilewski	Warren NJ 08059	
	3 Devon Lane		

B. 03-265 RESOLUTION - CERTIFICATION OF REVIEW OF ANNUAL REPORT OF AUDIT - FY2002 - LOCAL FINANCE BOARD OF THE STATE OF NEW JERSEY

WHEREAS, NJSA 40A:5-4 requires the Governing Body of every local unit to have made an Annual Audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year FY2002 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of NJS 40A:5-6, and a copy has been received by each member of the Governing Body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the Local Fiscal Affairs, as per RS 52:27BB-34; and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the Governing Body of each Municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the Governing Body have reviewed, as a minimum, the sections of the Annual Audit entitled:

GENERAL COMMENTS
RECOMMENDATIONS ; and

WHEREAS, the members of the Governing Body have personally reviewed as a minimum, the Annual Report of Audit and specifically the sections of the Annual Audit entitled:

GENERAL COMMENTS
RECOMMENDATION

as evidenced by the group affidavit form of the Governing Body; and

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WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five (45) days after the receipt of the Annual Audit, as per the regulations of the Local Finance Board; and

WHEREAS, all members of the Governing Body have received and have familiarized themselves with, at least, the minimum stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the promulgation's of the Local Finance Board of the State of New Jersey may subject the members of the local Governing Body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S. 52:27BB-52 - "A local officer or member of local Governing Body who, after a date fixed for compliance, fails or refuses to obey an order of the Director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisonment for not more than one year, or both, and in addition shall forfeit his office."

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Franklin, County of Somerset and State of New Jersey hereby state that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of the resolution and the required Affidavit to said Board to show evidence of said compliance.

D. 03-267 RESOLUTION - AUTHORIZE PURCHASE UNDER BID THRESHOLD/OVER \$8,500.00 - TRADEMARK PLUMBING & HEATING - GENERAL PLUMBING WORK THROUGHOUT TOWNSHIP/ON AS NEEDED BASIS - NOVEMBER 1, 2002 TO OCTOBER 30, 2003 - AN AMOUNT NOT TO EXCEED \$24,000.00

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: TRADEMARK PLUMBING & HEATING
ITEMS: 120 Birch Street
Old Bridge NJ 08857

COST: Hourly Rates:
Regular hours \$49.00 per hour
Out of hours \$75.00 per hour
Saturday, Sunday \$75.00 per hour
Holidays \$98.00 per hour

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; and

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

REGULAR MEETING – JUNE 10, 2003E. 03-268 RESOLUTION - AUTHORIZE PURCHASE UNDER STATE CONTRACT - GAME TIME d/b/a MARTURANO RECREATION COMPANY - PLAYGROUND EQUIPMENT & ACCESSORIES FOR BASCOM, DUNHAM LEBED & EAST MILLSTONE PARKS - AN AMOUNT NOT TO EXCEED \$94,806.00

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

**VENDOR: GAME TIME
D/b/a MARTURANO RECREATION COMPANY
PO Box 449
Bricktown NJ 08723
State Contract No. A47854**

ITEMS: Playground Equipment & Accessories for Bascom, Nassau and DeLar Parks

COST: Not to exceed \$94,806.00

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.

F. 03-269 RESOLUTION - AUTHORIZE PURCHASE PROFESSIONAL SERVICE OVER \$8,500.00 FOR SINGLE PROJECT – R & R ELECTRONICS – RADAR UNITS POLICE CARS -- \$10,566.00

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: R & R Electronics
ITEMS: 920 Mays Landing Road
Hammonton, NJ 08037**

COST: \$10,566.00

ITEM: Radar Units for Police Cars

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; and

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

REGULAR MEETING – JUNE 10, 2003**G. 03-270 RESOLUTION – AUTHORIZE PURCHASE OVER \$8,500.00 - McCONNELL ELECTRIC - GENERAL ELECTRICAL WORK THROUGHOUT THE TOWNSHIP ON AS NEEDED BASIS-NOVEMBER 1, 2002 to OCTOBER 30, 2003 - \$24,000.00**

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: McConnell Electric
ITEMS: PO Box 357
 Old Bridge NJ 08857

COST: Hourly Rates:
 Regular hours \$60.00 per hour
 Out of hours \$91.00 per hour
 Saturday, Sunday \$91.00 per hour
 Holidays \$91.00 per hour

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; and

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

H. 03-271 RESOLUTION – SETTLEMENT/REIMBURSEMENT - SOMERSET COUNTY -IMPROVEMENTS SCHOOLHOUSE ROAD IMPROVEMENT - \$217,156.10

WHEREAS, the Township Council authorized a resolution on April 13, 1999 to enter into an interlocal services agreement with the County of Somerset for the purpose of improving sections of Schoolhouse Road; and

WHEREAS, Specifically, the Township of Franklin has an intersecting road, Schoolhouse Road, with Elizabeth Avenue, County Route 621 and it is beneficial to extend the construction limits of the Elizabeth Avenue project to include an additional portion of Schoolhouse Road. It is the responsibility for the Township of Franklin to pay the costs for approximately 750 L.F. of additional roadway cost on School House Road. This cost is to include Design, Right-of-Way Acquisition and Construction; and

WHEREAS, the County of Somerset has provided the cost of the construction and design of said work; and

WHEREAS, the Township Engineer and Capital Projects Engineer has reviewed such cost and recommends the reimbursement of the \$157,251.10 for the construction, \$39,905.00 for land acquisition cost and \$ 20, 000.00 Engineering Cost

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 authorize the payment to Somerset County the amount of \$217,156.10 for the improvements to Schoolhouse Road.

REGULAR MEETING – JUNE 10, 2003**I. 03-272 RESOLUTION - AUTHORIZE PURCHASE UNDER SOMERSET COUNTY COOPERATIVE - TIMMERMAN EQUIPMENT COMPANY - ROAD SWEEPER - AN AMOUNT NOT TO EXCEED \$165,520.00**

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

VENDOR: TIMMERMAN EQUIPMENT COMPANY
PO Box 71
Whitehouse NJ 08880
Somerset County Cooperative No. CC-28-03

ITEMS: Road Sweeper

COST: \$165,520.00

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 Somerset County Cooperative.

J. 03-273 RESOLUTION - AUTHORIZE OUT OF STATE TRAINING - MICHELÉ SAMARYA-TIMM, REHS - NATIONAL ENVIRONMENTAL HEALTH ASSOCIATION ANNUAL EDUCATIONAL CONFERENCE AND EXHIBITION - JUNE 7-11, 2003

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 permission is hereby granted for Michele Samarya-Timm, REHS to attend the National Environmental Health Association Annual Conference and Exhibition in Nevada from June 7 to June 11, 2003 at no cost to the Township.

K. 03-274 RESOLUTION - WAIVE CONSTRUCTION PERMIT FEES – FRANKLIN SOMERSET FIRST AID SQUAD

BE IT AND IT IS HEREBY RESOLVED that the Township Council of the Township of Franklin, County of Somerset, State of New Jersey does hereby waive Construction Permits Fees for the Franklin Somerset First Aid Squad for the construction of their new administrative building as permitted by Section 105-2 of the Code, Charitable institutions receiving tax exempt status under Internal revenue Code.

L. 03-275 RESOLUTION - PERFORMANCE GUARANTEE REDUCTION – MID STATE EQUITY -- DOCKET NO. 3243 & 3278 - \$26,258.00

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

ITEM:	PERFORMANCE BOND
NAME OF APPLICANT:	MID STATE EQUITY DEVELOPMENT CO, INC.
ADDRESS OF APPLICANT:	11 Springfield Avenue Somerset, NJ 08873
NUMBER:	99-02
INSURANCE COMPANY:	New Millennium Bank 57 Livingston Avenue, New Brunswick NJ 08901
IN THE AMOUNT OF:	\$87,527.00

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FOR: Site Improvements Block 276 Lot 9-14 & Block 279 Lot 1-5 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 in the amount of \$26,258.00; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, Somerset County, New Jersey that the aforesaid Performance Guarantee be reduced in the amount of \$26,258.00.

M. 03-276 RESOLUTION - RELEASE OF STREET OPENING ESCROW DEPOSIT

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

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

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

<u>NAME/ADDRESS</u>	<u>PERMIT#</u>	<u>DEPOSIT/SURETY</u>
Johnson Building Corp 45575 Shepard Drive Sterling, Virginia 20164	5939 30 Worlds Fair Drive	\$300.00/\$300.00
	5938 30 Worlds Fair Drive	\$300.00/\$300.00
	5941 30 Worlds Fair Drive	\$300.00/\$300.00
	5940 30 Worlds Fair Drive	\$300.00/\$300.00

N. 03-277 RESOLUTION – STORM WATER DETENTION FACILITY MAINTENANCE AGREEMENT – FRANKLIN TOWNSHIP BOARD OF EDUCATION

BE IT RESOLVED that the Township Council of the Township of Franklin, County of Somerset does hereby authorize the Mayor and Township Clerk to execute on its behalf the Storm Water Detention Facility Maintenance Agreement with Franklin Township Board of Education granting the Township the right to inspect and make emergency repairs to the applicant's Storm Water Detention Facility on Lot 35,38,52 and 54.01 in Block 514, to insure compliance by the applicant with the Maintenance of said facility as set forth in the agreement which is on file in the office of the Township Clerk and available for public inspection.

Q. 03-278 AMEND RESOLUTION – FOURTH OF JULY CELEBRATION - TOWNSHIP OF FRANKLIN - FIREWORKS DISPLAY – FRIDAY, JULY 4, 2003 - CORRECT RAIN DATE TO SUNDAY, JULY 6, 2003

WHEREAS, the Township of Franklin has made application for permission to hold a fireworks display on Friday, July 4, 2003 in conjunction with Independence Day (rain date Sunday, July 6, 2003) to be conducted on Township Owned Property within the Municipal Complex; and

WHEREAS, the Uniform Fire Code (NJAC 5:18 et seq.) and the New Jersey Fireworks Act (NJSA 21:2-1 et. seq.) provides that the Governing Body of the Municipality may, upon application in writing, grant permission for a public display of fireworks by certain specified groups, including Municipalities;

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NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Franklin, County of Somerset and State of New Jersey does hereby grant permission to the Township of Franklin to hold a public display of fireworks on Friday, July 4, 2003 in conjunction with Independence Day (rain date July 6, 2003) to be conducted on Township Owned Property within the Municipal Complex subject to the following conditions:

- (1) **Submission to the Director of Fire Prevention an application pursuant to and meeting the specifications of the Uniform Fire Code and the New Jersey Fireworks Act;**
- (2) **Approval of the location of the storage place for said fireworks by the Director of Fire Prevention;**
- (3) **Submission of Certificate of Insurance by the Township of Franklin covering the fireworks display and naming the Township of Franklin, Franklin Township Employees, Franklin Township Library and Villagers; and**

BE IT FURTHER RESOLVED that, as permitted by the Uniform Fire Code, the fee for this permit is hereby waived.

P. 03-279 RESOLUTION - PROFESSIONAL SERVICE - SCHAEFER PYROTECHNICS - JULY 4TH FIREWORKS EXHIBITION - AN AMOUNT NOT TO EXCEED \$11,000.00

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 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.

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VENDOR NAME Schaefer Pyrotechnics
ADDRESS: PO Box 6 Sycamore Road Douglassville PA 19518
CONTRACT AMOUNT: Not to exceed \$11,000.00
SERVICE: July 4th Fireworks Exhibition for the Township of Franklin,
Somerset County

Q. 03-280 RESOLUTION - SPECIAL EVENT PERMIT - ST. SHARBEL MARONITE CHURCH - FESTIVAL - FRIDAY, JUNE 27 THRU SUNDAY, JUNE 29, 2003

WHEREAS, a request has been received from St. Sharbel Maronite Church for permission to have a **FESTIVAL** on:

Friday,	June 27	6:00 pm to 10:00 pm
Saturday,	June 28	12:00 Noon to 11:00 pm
Sunday,	June 29	12:00 Noon to 10:00 pm

to be conducted on Church Grounds located at 526 Easton Avenue;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset, New Jersey, that permission is hereby granted to the Saint Sharbel Maronite Church to conduct a **FESTIVAL** on the date and times set forth above, to be conducted on Church Grounds at 526 Easton Avenue, subject to compliance with the requirements of Township Officials, including but not limited to the Chief of Police and Director of Fire Prevention; and

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

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

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

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

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BE IT FURTHER RESOLVED that the conduct of this special event requires the closing of Reeve Street, a public roadway of the Township of Franklin, and said closing is subject to the following conditions:

- (1) Said public roadway shall be closed to traffic between the hours when the Event commences and the time the event will be totally finished;
- (2) The closing of said public roadway in conjunction with said Event shall be accomplished in a manner whereby access by emergency vehicles is easily maintained at all times;
- (3) The Applicant shall notify all persons and businesses affected by said road closing. Said notice shall be in writing and served upon the person/business in person or by certified mail at least ten (10) days prior to the event. Affidavit of Service to said affected persons/ businesses shall be prepared by the Applicant and filed with the Township Clerk at least five (5) days prior to the event;
- (4) Applicant shall provide an Insurance Policy to cover the Event and the closing of the aforesaid public roadway in conjunction therewith in the amount of \$1,000,000. Said policy shall name the Township of Franklin as additionally insured and a Certification of same shall be filed with the Township Clerk at least five (5) day prior to the event.

R. 03-281 RESOLUTION - ACCEPT RESIGNATION - ANTHONY FINDLEY - REGULAR MEMBER PLANNING BOARD

BE IT AND IT IS HEREBY RESOLVED that the Township Council of the Township of Franklin, County of Somerset, New Jersey, does hereby accept the resignation of Anthony Findley (6 Epping Court, Somerset NJ 08873) as a regular member of the Planning Board effective June 10, 2003; and

BE IT FURTHER RESOLVED that the Township Council does hereby thank and commend the said Anthony Findley for services performed on behalf of said Township.

S. 03-282 RESOLUTION - AUTHORIZE RAFFLE/BINGO

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:

NAME OF ORGANIZATION

DATE OF RAFFLE/BINGO

Temple Beth El of Somerset
1489 Hamilton Street, Somerset, NJ
Off-Premise 50/50 – RL#1392
Drawing: Temple Beth El of Somerset

October 23, 2003
9:00 P.M.

T. 03-283 RESOLUTION - GRANT APPLICATION – 2004 FRANKLIN TOWNSHIP MUNICIPAL ALLIANCE FOR THE PREVENTION OF SUBSTANCE ABUSE - \$37,500.00

BE IT AND IT IS HEREBY RESOLVED that the Township Council of the Township of Franklin, County of Somerset, State of New Jersey does hereby authorize the submission of the following grant application and does authorize the appropriate Township Officials to execute said grant on its behalf:

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Franklin Township Municipal Alliance for the Prevention of Substance Abuse in the amount of \$37,500.00 with a \$9,375.00 cash and \$28,125.00 in kind Township Match

U. 03-284 RESOLUTION - RESCIND AGREEMENT - INTERNATIONAL FIREWORKS MANUFACTURING COMPANY - JULY 4TH FIREWORKS EXHIBITION

WHEREAS, by resolution adopted March 25, 2003 the Township Council authorized agreement with International Fireworks Manufacturing Company for July 4th Fireworks Exhibition for the Township of Franklin, Somerset County; and

WHEREAS, International Fireworks Manufacturing Company was unable to provide services for the Township;

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey does hereby rescind the March 25, 2003 resolution and the agreement authorized thereby with International Fireworks Manufacturing Company for July 4th Fireworks Exhibition.

Motion was made by and seconded by to approve the items of the foregoing Consent Agenda. Acting Township Clerk Dashield polled the Board, the vote being as follows:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>
Ms. Barrier	Mr. Levine	No One	No One
Mr. Chivukula	Mr. McKenzie		
Ms. Eberle	Mr. Mettler	<u>ABSENT</u>	
Mr. Grippo	Mayor Sumter		Mr. Mazzola

Motion was carried.

16. NOMINATIONS – ONE (1) REGULAR MEMBER – PLANNING BOARD – TO FILL UNEXPIRED TERM OF ANTHONY FINDLEY – EXPIRING 12/31/03

Mayor Sumter called for nominations for one (1) Regular Member of the Planning Board to fill the unexpired term of Anthony Findley commencing June 10, 2003 and expiring December 31, 2003.

Nominated Ellen E. Ritchie; seconded the nomination.

There being no further nominations, Acting Township Clerk Dashield declared Ellen E. Ritchie appointed Regular Member of the Planning Board.

17. NOMINATIONS FOR ONE (1) ALTERNATE RENT LEVELING BOARD MEMBER TO FILL THE UNEXPIRED TERM OF ANNETTE BRITTON – EXPIRING DECEMBER 31, 2003

Motion was made by to postponed nominations for one (1) Alter Member of the Rent Leveling Board pending recommendations from the Chair; Council concurred.

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

Read by Acting Township Clerk Dashield

WHEREAS, the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey is subject to certain requirements of the **Open Public Meetings Act, NJSA 10:4-6, et seq.**; and

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WHEREAS, Open Public Meetings Act, NJSA 10:12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by resolution; and

WHEREAS, it is necessary for the Township Council of the Township of Franklin to discuss in a session not open to the public certain matters relating to the item or items authorized by **NJSA 10:4-12b** and designated below:

Labor Negotiations

Matters Relating to Litigation, Negotiations and the Attorney-Client Privilege: Any pending or anticipated litigation or contract negotiation in which the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, assembled in public session on this 10th day of June, 2003, that an Executive Session closed to the public shall be held on June 10, 2003, at pm in the Franklin Township Municipal Complex, 475 DeMott Lane Somerset New Jersey for the discussion of matters relating to the specific items designated above.

It is anticipated at this time that the above-stated subject matter will be made public with respect to litigation, negotiation, collective bargaining and Attorney-Client Privilege at the conclusion of said litigation or negotiations;

This Resolution shall take effect immediately.

Motion was made by Mr. Grippo and seconded by Ms. Eberle ; motion was carried unanimously. Council adjourned to Executive Session at 10:10 p.m. Meeting resumed at 10:25 p.m. and was immediately adjourned.

WILLIS SUMTER, MAYOR

MARC D. DASHIELD, ACTING TOWNSHIP CLERK

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