

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 Mayor at 7:15 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 Municipal Complex at 7:00 p.m. on December 11, 2007. 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 Eberle led the Invocation.

The Township Clerk called the roll.

Present: Ms. Eberle, Ms. Francois, Mayor Levine, Mr. Mettler, Mr. Sumter, Deputy Mayor Vassanella

Absent: Ms. Danile, Mr. Glicklich, Mr. Prasad

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

PROCLAMATIONS

Joseph Bocklage, Lions Club

Deputy Mayor Vassanella presented the following proclamation:

WHEREAS, JOSEPH T. BOCKLAGE, a resident of the Township of Franklin from 1971 to 2007, who is now residing in Texas to be near his two daughters and grandchildren, has served as President and as Secretary/Treasurer of the Franklin Township Lions Club; and

WHEREAS, as a member of the Franklin Township Lions Club, **JOSEPH T. BOCKLAGE** was involved in planning and operating eye screening tests at several Health Fairs; and

WHEREAS, of the many programs in which **JOSEPH T. BOCKLAGE** participated, he is most proud of his service as contact person to school nurses who would supply the names of students who were not able to afford glasses and glasses were donated to them; and

WHEREAS, JOSEPH T. BOCKLAGE held many positions with the New Jersey State Organization of Lions Clubs, including:

Council Chairman - 2002/2203

District Governor of 40 Clubs of the Somerset, Middlesex, Hunterdon area – 1994/1995

Chairman/Chief Executive Officer of the Delaware Valley Eye Bank – 2006

NOW, THEREFORE, I, DEPUTY MAYOR JAMES VASSANELLA, on behalf of the Mayor and Township Council of the Township of Franklin in the County of Somerset, State of New Jersey, extend gratitude and appreciation to **JOSEPH T. BOCKLAGE** for his dedication and service to our community and to countless Lions Club members and recipients of the immeasurable charity of Lions Clubs.

Over the Limit, Under Arrest 2007 Year End Crackdown

Deputy Mayor Vassanella read the following proclamation:

WHEREAS, impaired drivers on our nation’s roads kill someone every 30 minutes, 50 people per day, and almost 18,000 people each year; and

WHEREAS, 34% of motor vehicle fatalities in New Jersey are alcohol-related; and

WHEREAS, an enforcement crackdown is planned to combat impaired driving; and

WHEREAS, the season at the end of the year is traditionally a time of social gatherings which often includes alcohol; and

WHEREAS, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout several counties to participate in the *Over the Limit Under Arrest 2007 Year End Crackdown*; and

WHEREAS, the project will involve increased impaired driving enforcement from December 7, 2007 through January 2, 2008; and

WHEREAS, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways,

NOW, THEREFORE, BE IT RESOLVED that I, Brian D. Levine, Mayor of the Township of Franklin, Somerset County, New Jersey on behalf of the Township Council, do hereby declare our support for the *Over the Limit Under Arrest 2007 Year End Crackdown* from December 7, 2007 through January 2, 2008 and pledge to increase awareness of the dangers of drinking and driving.

MAYOR’S REPORT

Mayor Levine presented the following report:

- Welcomed those attending the meeting and those watching the meeting on television.
- Thanked all the FTTV-25 volunteers and staff.
- Gave a brief overview of how the meeting would be conducted.
- Reminded all meetings are public. Council meetings generally are held on the 2nd and 4th Tuesdays of the month. Changes to the regular meeting schedule are this meeting is on the 20th, which is the third Tuesday and there will not be a meeting held on the 4th Tuesday. In December, there is only one meeting, which is December 11th. There may be a special meeting held on December 20th. The Public is invited and encourages attending.
- One can see listings on FTTV-25 and the Township website. On the Township’s website, one can sign up for updates of meetings, minutes, etc. One can view the agenda with pending ordinances and resolutions.
- Announced he will start up his Mayor’s Blog through the Home News. He had not used it during the election.
- Wished all a happy holiday season.

- Reported on “Partners for Change”, an organization in Franklin made up of many religious leaders. They are implementing programs and exchanging ideas. They meet on the 3rd Tuesday of the month at 10:00 am usually at Somerset Baptist Church.
- Expressed hope that 2008 starts a bi-partisan cooperative year in Franklin.

DEPUTY MAYOR'S REPORT

Deputy Mayor Vassanella made the following report:

- Agreed with Mayor Levine that Council should move forward as bi-partisan.
- Announced Comcast bought Patriot Media.
- Called to all those watching the Council meetings to get involved in 2008.

PUBLIC DISCUSSION

Deputy Mayor Vassanella moved to open the meeting for public discussion. Said motion was seconded by Mr. Mettler and carried unanimously upon voice vote.

Lisa Aumack, 2037 Amwell Road, spoke of her concerns regarding the Trails Advisory Committee and the proposed trails.

Jennifer Benning, 1995 Amwell Road, asked Council if they were aware the Township is in violation with the DEP and SPCA. Mr. Mettler responded he was aware. She spoke of her concerns regarding hunting behind homes on open space. She expressed her concern of public safety. Ms. Francois responded she was not aware. Deputy Mayor Vassanella responded he was aware, but did not know the details. She noted that Bob Clarke from the NJDEP had spoken with the Engineering Department regarding this matter.

Cynthia Perek, 14K Ari Drive, opposed the closing of Ari Drive.

Brian Hinton, 21F Ari Drive, opposed the closing of Ari Drive and asked that it remain open.

Barbara Jennings, Ari Drive, questioned how the Township would propose to close Ari Drive. She stated that the closing of Ari Drive would leave only one way in and out of the area.

Jeffrey Schwartz, Reler Lane, spoke of the traffic congestion on Route 27 and the greater need of a traffic light at Route 27 and Reler Lane. He spoke of speed concerns and proposed speed bumps. He stated that this access needs to remain and that the needs of those who live on Ari Drive and Reler Lane need to be considered.

Kathleen Oogle, 32B Reler Lane, thanked the Township for the notification of the proposed closing of Ari Drive. She asked that it not be closed. She spoke of the congestion on Route 27. She stated those who live on Deborah Drive and Julie Court are looking to be a gated community. She noted that Somerset Mews has been there a long time. She expressed her concern for safety for all the residents of the area.

Shimona Baldwin, Reler Lane, spoke of the same concerns as the others who live on Reler Lane. He asked that the Township not close Ari Drive. He expressed safety concerns regarding the bus stop for the area and the traffic concerns at Reler Lane and Route 27. He stated that he was offended by the letter and noted they live in within the neighborhood too.

Scott Slobodzian, 94 Smith Road, noted he missed the last Trails Advisory Committee meeting and was surprised to find the proposed trails were still an issue. He stated he was

appalled by the NJDEP and SPCA violations. He opposes the proposed trails and asked Council to keep other options open.

Arthur Rujal, 6 Deborah Drive, spoke on the issue of public safety, health and welfare. He stated that Julie Court is not designated as a through street. It is an annexation of a private road to a public road. He stated that they face the same challenges with Route 27 regarding speed concerns. He stated it is not the only road with restrictions and noted Rolling Hills Drive and Countryside. He stated there are no issues with bus stops. He stated that their proposal is fair. He stated he is in favor of closing Ari Drive.

Mr. Rainone defined a through street as a street without a stop sign.

Jaime Lacuin, Julie Court, spoke of speed and safety concerns and noted the road was not intended for apartments. Spoke of the homeowners concerns with the bus stop.

Sheila Murph, 4 Deborah Drive, provided a history of access and that the Township Council and Planning Board should have considered the impact of infrastructure in the area. She stated that there are presently several issues with the current bus stop in the area. She stated that all issues regarding access need to be addressed until all are comfortable. She stated she would like to live comfortably with no worries regarding speeding. She appealed to the Council and noted there is a bigger problem concerning Route 27.

Laila Rajwani, 2 Julie Court, expressed her fear for the children regarding speeding cars. She asked Council to consider all residents in the area.

Calvin Gorell, 19C ARi Drive, stated he pays taxes and asked for the street to be closed.

Nicole Gardner, Somerset Mews, spoke of the traffic congestion and that she understands the problems. She spoke of safety concerns for the children. She asked how residents planned to go to and from their homes. She asked that Council make sure it is not used as a thoroughfare.

Lucretia Cortelyou, 1892 Amwell Road, read the open space question on the ballot. She spoke of her concerns of the use of open space funds for the Toto Farm – Memorial Forest and the proposed trails. She stated that the Open Space Advisory Committee and Trails Advisory Committee both overstepped their roles.

Phillip Kramer, 429 Canal Road, TUF, spoke on the Ari Drive issue and the Bennetts Lane Project making Route 27 worse. He stated he thought after listening to John Clyde and John Loos that the proposed trails issue was over. He stated that residents don't want trails in their backyard. He stated the issues regarding wetlands and wildlife are important and asked why money is being spent. He requested the public discussion portion at the Reorganization Meeting be moved to the beginning of the meeting before important appointments are made.

Ronald Murph, 4 Deborah Drive, spoke of the problems on Route 27 and the concerns getting in and out of the area.

Irv Schwartz, Somerset Mews, noted that if an accident occurs in the area, they will be trapped.

Patricia Gorell, 19C Ari Drive, noted Somerset Mews has been there for thirty years and the traffic problems were not there at that time. Any resident will cut through to avoid traffic. She has not seen anyone speeding.

Eric Stone, 2445 Amwell Road, opposed the proposed trails and spoke of the lack of wildlife in the area. He spoke of the safety concerns regarding drinking and broken bottles. He stated there is not enough information and communication regarding this issue. He asked what the status was of the proposed trails. He thanked his neighbors for going a great job.

Ms. Francois moved to close the meeting for public discussion. Said motion was seconded by Mr. Sumter and carried unanimously upon voice vote.

COUNCIL COMMENTS

Ms. Francois stated she spoke with and went with Sheila Murph around 6:30/7:00 p.m. and was amazed at the congestion on Route 27. She stated there are so many different residential developments in a small area. She questioned the approved developments and the land use. She stated there are safety and traffic congestion issues that need to be addressed in the area and they need to look for alternative solutions. She stated Council needs to do its due diligence and do what is best for everyone.

Ms. Francois spoke of the quality of life impact in regards to the proposed trails. She stated she was not aware of the NJDEP and SPCA violations. Mr. Daly stated complaints/allegations were made to the SPCA regarding ponding and wetlands filling. Mr. Daly reported the Engineering Department spoke with the NJDEP regarding complaints made and was told a permit was required to be submitted for the work already completed. Ms. Francois stated due diligence is needed for this matter also.

Ms. Eberle spoke of Ari Drive and the problem that there are no through streets. She suggested they look into this matter further. She noted the overcrowding on Route 27 is the real problem. In regards to the proposed trails, she has received telephone calls from those who are upset, noting they feel their privacy is being invaded and the many safety concerns they have. Mr. Daly noted the Trails Advisory Committee is working on a plan that will be forwarded to Council. She stated further consideration is needed. She wished all a wonderful holiday season.

Mr. Mettler stated there are two different issues and that he went to the neighborhood of Julie Court and Deborah Drive. He drove down Ari Drive to Route 27 and was unable to make a left onto Route 27 on a Sunday afternoon. He suggested Council look at many different solutions. He made the following recommendations as solutions to the problem: Reopen Dina Drive; install a traffic light at the end of Reler Lane; temporarily increase police patrol in the area; or install speed bumps. He agreed with Ms. Francois's comment regarding poop planning of developments. He recommended Council look into other possibilities.

Mr. Mettler spoke of the proposed trails. He urged those interested in attending tomorrow night's Trails Advisory Committee. He stated he has a copy of the latest trail proposal and it attempts to address some of the issues, but the survey does not clearly address all of them. He stated it seems the intent to run trails to Elizabeth Avenue (bike path) is not there yet. He stated there is a great deal in the plan that is neither included nor acceptable. He urged Council not to approve until it all makes sense. He asked that Lisa Almack and Jill Benning be notified when it is back on the agenda. He asked for a copy of the NJDEP correspondence. He wished all happy holidays.

Mr. Sumter noted Mr. Mettler should be on the Trails Advisory Committee since he is familiar with the area. He stated he thought they were finished with the trail issue. He stated the problems with Route 27 are nothing new and nothing has been done. He noted the NJDOT has been no help to the Township.

Deputy Mayor Vassanella spoke of the problems regarding Route 27 that seem to come up periodically. He suggested this issue be referred to the Public Safety Committee to address these issues. He stated the Township needs to do something to accommodate both areas. He noted the problems are a result of overdevelopment in the area. He recommended this issue be addressed at the January Public Safety Committee meeting.

Deputy Mayor Vassanella spoke of the proposed trails and agreed there is little communication. He noted there will be Council liaisons on both the Open Space Advisory

Committee and the Trails Advisory Committee in 2008. He urged those to get involve with the Trails Advisory Committee.

Deputy Mayor Vassanella stated he did not have an issue with a short public discussion portion at the beginning of the reorganization meeting.

Deputy mayor Vassanella spoke again of the proposed trails situation and that Council can't stop all the problems. He stated that if the Township cannot guarantee reasonable safety then no trails should be in that area. He stated he supports trails, but the impact of these trails must be considered.

Mayor Levine stated that it is good and fair to hear all sides regarding the proposed road closure. In regards to Route 27, the Township cannot do anything without pressuring the State. He stated they need to look at traffic calming alternatives. He stated he went through area and it is impossible to make a left from Reler Lane onto Route 27.

Mayor Levine asked for a copy of the violations from the NJDEP and the SPCA.

Mayor Levine stated he walked through the trails several times and noted the Trails Advisory Committee and the Open Space Advisory Committee are advisory committee and they provide recommendations to Council for approval.

After a brief discussion, Deputy Mayor Vassanella requested that Resolution #07-584 – Authorize Temporary Closure of Ari Drive for three (2) months to study if permanent closure is needed for the preservation of public safety, health and welfare pending approval of NJDOT be removed from the Consent Agenda and scheduled as a discussion item at the February 12th Council meeting.

COUNCIL DISCUSSION ITEMS

Walgreen's (Rte. 518/27) – Change Sewer Service Area

Mr. Daly briefed Council regarding Walgreen's request to change their sewer service area to Franklin Township. After a very brief discussion, it was the consensus of Council to schedule a resolution for the next Council meeting authorizing Walgreen's request to change their sewer service area to Franklin Township.

Tentative 2008 Reorganization Agenda

After a brief discussion by Council, it was the consensus of Council to approve the following Reorganization Meeting Agenda:

REORGANIZATION MEETING
TOWNSHIP COUNCIL – TOWNSHIP OF FRANKLIN, SOMERSET COUNTY
JANUARY 1, 2008 – 2:00 P.M.

1. Call to Order
2. Flag Ceremony by Girl Scouts and Boy Scout Troop 154 & Pledge of Allegiance by Somerset Presbyterian Nursery School and Kindergarten.
3. Administration of the Oath of Office – Brian Levine – Mayor
4. Administration of the Oath of Office to Daniel Glicklich – Council Member At-Large
5. Administration of the Oath of Office to Rajiv Prasad – Council Member At-Large
6. Administration of the Oath of Office to Kimberly Francois – Council Member At-Large

7. Invocation: Given by Minister Kermit Moss, First Baptist Church of Lincoln Gardens
8. NJ Oratory Presentation by Branden Phillips, *"If all trees were oak"*
9. God Bless America: Performed by Crystal Russeau, Franklin High School Student
10. Remarks by Mayor Brian D. Levine
Remarks by Councilman Daniel Glicklich
Remarks by Councilman Rajiv Prasad
Remarks by Councilwoman Kimberly Francois
11. Roll Call
12. Public Discussion (2 minutes per speaker, ½ hour maximum)
13. Nominations for Deputy Mayor – 1 year term – 01/01/08 to 12/31/08
Administration of Oath of Office to Deputy Mayor
Remarks by Deputy Mayor
14. Nominations for Township Attorney – 1 year term expiring 12/31/08
Administration of Oath of Office to Township Attorney
15. Nominations for Municipal Judge – 3 year term expiring 12/31/10
Administration of Oath of Office to Municipal Judge
16. Nominations for Township Prosecutor – 1 year term expiring 12/31/08
Administration of Oath of Office to Township Prosecutor
17. Nomination of Township Prosecutor – 1 year term expiring 12/31/08
Administration of the Oath of Office to the Township Prosecutor
18. Nominations for Public Defender – 1 year term expiring 12/31/08
Administration of Oath of Office – Public Defender
19. Nominations for Bond Counsel – 1 year term expiring 12/31/04
Administration of Oath of Office – Bond Counsel
20. Nominations for One (1) Class IV Planning Board Member – 4 year term expiring 12/31/11
21. Nominations for One (1) Class IV (Environmental Commission) Planning Board Member -
Term concurrent with Environmental Commission term.
22. Nominations for One (1) Class III (Governing Body) Planning Board Member – 1 year term
expiring 12/31/08
23. Nominations for One (1) Class II (Township Official) Planning Board Member – 1 year term
expiring 12/31/08
24. Mayor – Acknowledge service as Class I Planning Board Member or appoint a designee – 1
year term expiring 12/31/08
25. Nominations for Two (2) Regular Members of the Board of Adjustment – 4 year terms
expiring 12/31/011
26. Nominations for Alternate #1 and Alternate #4 Members of the Board of Adjustment – 2
year terms expiring 12/31/09

27. Consent Agenda:

- a) *Resolution #08-001* – Depositories – All Township Funds
- b) *Resolution #08-002* – Depositories – Special
- c) *Resolution #08-003* – Adopt Cash Management Plan
- d) *Resolution #08-004* – Appoint Donna Viero as Public Agency Compliance Officer
- e) *Resolution #08-005* – Appoint Harshida Pathak as Registrar of Vital Statistics
- f) *Resolution #08-006* – Fix the Rate of Interest to be charged on delinquent taxes or assessments
- g) *Resolution #08-007* – Appoint Mark Healey as Municipal Housing Liaison.

28. Adjourn

29. Refreshments

A motion was made by Deputy Mayor Vassanella to remove the Rent Leveling Board Attorney appointment from the Reorganization Agenda. Said motion was seconded by Mr. Metter and carried unanimously upon call of the roll.

Proposed 2008 Fire Districts' Annual Compensation

Council reviewed the requests from the Fire Districts for their annual compensation. It was the consensus of Council to direct the Township Clerk to draft a resolution and schedule it for adoption at the first meeting in January.

Mayor Levine announced there will be a Special Meeting of the Township Council regarding amending the Township's Fair Share Plan on December 20, 2007. Ms. Francois announced she will not be in attendance of the meeting since she will be on vacation at that time.

APPROVAL OF MINUTES

Mayor Levine presented the following minutes for approval: November 20, 2007 Work Session/Regular Meeting and Executive Session.

Ms. Francois moved the approval of the following minutes: November 20, 2007 Work Session/Regular Meeting and Executive Session. Said motion was seconded by Mr. Mettler and carried as follows upon call of the roll:

| <u>AYES</u> | <u>AYES</u> | <u>NAYS</u> | <u>ABSTAIN</u> | <u>ABSENT</u> |
|--------------------|--------------------|--------------------|-----------------------|----------------------|
| Eberle | Francois | | | Danile |
| Levine | Mettler | | | Glicklich |
| Sumter | Vassanella | | | Prasad |

APPROVAL OF WARRANTS

Mayor Levine presented the following warrants in the amount of \$2,931,227.72 for December 11, 2007 to the Township Council for payment:

| | | |
|----|----------------------|--------------|
| 1 | Current | 1,371,740.52 |
| 5 | Water Operating | 556,197.66 |
| 6 | Water Capital | 5,223.00 |
| 4 | General Capital | 769,175.98 |
| 15 | Trust Others | 91,125.27 |
| 19 | Self Insurance Trust | 2,135.20 |
| 11 | Recreation Trust | 14.00 |
| 40 | Open Space Trust | 13,095.73 |
| 2 | Grant | 14,500.17 |
| 3 | Collector Trust | 42,599.23 |

| | | |
|----|----------------|--------------|
| 17 | Animal Control | 141.60 |
| 15 | Redevelopment | 23,112.82 |
| 30 | Payroll Agency | 31,199.99 |
| | Subtotal | 2,931,227.72 |
| | Grand Total | 2,931,227.72 |

Ms. Francois moved that warrants in the amount of \$2,931,227.72 for December 11, 2007 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> |
|-------------|-------------|-------------|----------------|---------------|
| Eberle | Francois | | | Danile |
| Levine | Mettler | | | Glicklich |
| Sumter | Vassanella | | | Prasad |

ORDINANCES – PUBLIC HEARING & FURTHER CONSIDERATION

Ordinance No. 3727

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 62 - SALARIES & COMPENSATION – SECTION 62-12, HOURLY WAGE SCALE FOR BLUE COLLAR EMPLOYEES AND SECTION 62-13, ANNUAL LONGEVITY FOR BLUE COLLAR EMPLOYEES.

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

Mr. Mettler moved to open the 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 public discussion, Mr. Mettler moved to close the public hearing on the ordinance. Said motion was seconded by Mr. Sumter and carried unanimously upon call of the roll.

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

| <u>AYES</u> | <u>AYES</u> | <u>NAYS</u> | <u>ABSTAIN</u> | <u>ABSENT</u> |
|-------------|-------------|-------------|----------------|---------------|
| Eberle | Francois | | | Danile |
| Levine | Mettler | | | Glicklich |
| Sumter | Vassanella | | | Prasad |

Ordinance No. 3728

Mayor Levine presented the following ordinance:

AN ORDINANCE REVISING, AMENDING AND SUPPLEMENTING THE CODE OF THE TOWNSHIP OF FRANKLIN, MORE SPECIFICALLY, CHAPTER 112, LAND DEVELOPMENT, ARTICLE IV, SUPPLEMENTARY ZONING REGULATIONS, SECTION 112-33, RECYCLING AND SOLID WASTE REQUIREMENTS FOR NEW DEVELOPMENTS

OF MULTI-FAMILY RESIDENTIAL UNITS OR COMMERCIAL, INSTITUTIONAL, GOVERNMENT OR INDUSTRIAL PROPERTIES, CHAPTER 146, CONSTRUCTION CODES UNIFORM, SECTION 146-1, FEES; AND CHAPTER 284, RECYCLING, ARTICLE I, MANDATORY RESIDENTIAL PROGRAM, SECTION 284-1, DEFINITIONS, AND ARTICLE III, MANDATORY COMMERCIAL, INDUSTRIAL, INSTITUTIONAL, GOVERNMENT AND OFFICE PARK, SECTION 284-13, DEFINITIONS.

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. Mettler moved to open the 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.

Ted Chase, 159 Old Georgetown Road, stated he understood that the ordinance is to meet Somerset County requirements. He noted the Environmental Commission looked at the ordinance and expressed some concerns with it.

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

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

| <u>AYES</u> | <u>AYES</u> | <u>NAYS</u> | <u>ABSTAIN</u> | <u>ABSENT</u> |
|-------------|-------------|-------------|----------------|---------------|
| Eberle | Francois | | | Danile |
| Levine | Mettler | | | Glicklich |
| Sumter | Vassanella | | | Prasad |

Ordinance No. 3729

Mayor Levine presented the following ordinance:

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, SOMERSET COUNTY, NEW JERSEY, MORE PARTICULARLY CHAPTER 112, DEVELOPMENT, ARTICLE 1, GENERAL PROVISIONS, SECTION 112-4, DEFINITIONS; ARTICLE V, CONDITIONAL USES, SECTION 112-37, CHURCHES AND SIMILAR PLACES OF WORSHIP & SECTION 112-41, HOME OCCUPATIONS; ARTICLE XXIII, SITE PLAN REVIEW, SECTION 112-185, SITE PLAN REVIEW REQUIRED; SIMULTANEOUS REVIEW; EXCEPTIONS; MINOR SITE PLAN APPLICATION; ARTICLE XXVIA, RETAIL OVERLAY DISTRICT, SECTION 112-206.2, PERMITTED USES AND STANDARDS; SCHEDULE 1, PERMITTED USES; SCHEDULE 2, LOT AND YARD REQUIREMENTS AND SCHEDULE 3, HEIGHT, COVERAGE AND BUILDING REQUIREMENTS.

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. Mettler moved to open the public hearing on the ordinance. Said motion was seconded by Ms. Francois 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.

Michelle Tullio, Attorney, 428 Elizabeth Avenue, opposed the ordinance section regarding the retail overlay district zone. She stated that it was only recently that Council approved the retail overlay district zone, which has been effective by bringing businesses to the Township. She expressed her surprise that the Planning Board recommended this change to the ordinance. She stated the ordinance would result in penalizing the small business owners by changing the bulk requirements. She stated that it would be impossible to comply with all the design standards in the ordinance. She suggested an analysis be conducted and more information provided. She requested Council to reject or table the ordinance.

Don Sweeney, 19 Colonial Drive, Shrewsbury, NJ, current small business owner and property owner on Elizabeth Avenue, opposed the retail overlay district sections of Ordinance No. 3729 and agreed with all of Ms. Tullio's comments. He stated that this ordinance would discourage small businesses coming to the Township.

Ed Kuhn, 426 Elizabeth Avenue, agreed with both Mr. Sweeney and Ms. Tullio and opposed the ordinance sections that dealt with the retail overlay district.

Gary Randolph, 14 Grouser Road, supported the ordinance.

Cindy Wolf, 3 Jean Road, supported the ordinance.

Ted Chase, Planning Board Chairman, stated the Planning Board does not see Elizabeth Avenue as another Hamilton Street. The intent is for larger retail developments with small establishments within the larger building. He stated the design standards are standards and not absolutes. He stated the larger properties are better ratables and would serve the Township better. The amendments were voted on by the Planning Board unanimously.

Al Donnenberg, 33 Daulton Drive, expressed happiness with Shop Rite, but noted the many near accidents caused by seniors. He stated larger lots will require busing seniors. There would be minimal traffic with small businesses in an area that specializes in active adult communities.

Glen Madsen, 69 McGuffy Avenue, sold the property to Mr. Sweeney and asked Council to consider his request.

William Cullen III, Elizabeth Avenue, stated he can't do anything to his house without a variance. Since the Shop Rite opened, it takes ten minutes to get out of his driveway. He opposed the ordinance.

Keith Smith, 8 Grouser Road, supported the ordinance and noted smaller businesses will result in more traffic.

Phillip Kramer, 429 Canal Road, support comments to Planning Board.

Joseph Danielsen, 49 Marcy Street, stated that most people are not familiar with what a M-1 zone is and what a RTO zone is and asked for appropriate clarification. He stated Elizabeth Avenue is a unique area. Mr. Rainone clarified the definitions of M-1 zone and RTO zone.

There being no further public discussion, Ms. Sumter moved to close the public hearing on the ordinance. Said motion was seconded by Ms. Francois and carried unanimously upon call of the roll.

After a brief discussion, it was the consensus of Council to remove the following sections from the ordinance: Section 5 (Article XXVIA, Retail Overlay District, Section 112-206.2,

Permitted Uses and Standards); Section VII (Schedule 2, Lot and Yard Requirements); and Section VIII (Schedule 3, Height, Coverage and Building Requirements).

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

| <u>AYES</u> | <u>AYES</u> | <u>NAYS</u> | <u>ABSTAIN</u> | <u>ABSENT</u> |
|-------------|-------------|-------------|----------------|---------------|
| Eberle | Francois | | | Danile |
| Levine | Mettler | | | Glicklich |
| Sumter | Vassanella | | | Prasad |

Ordinance No. 3730

Mayor Levine presented the following ordinance:

AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY ACCEPTING AN EASEMENT RESTRICTING PROPERTY KNOWN AS BLOCK 5.02, LOTS 26.01 & 171 (HIGGINS FARM PROPERTY) FOR AGRICULTURAL USE ONLY.

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

Ms. Francois moved to open the public hearing on the ordinance. Said motion was seconded by Mr. Mettler 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 public discussion, Mr. Mettler moved to close the public hearing on the ordinance. Said motion was seconded by Ms. Francois and carried unanimously upon call of the roll.

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

| <u>AYES</u> | <u>AYES</u> | <u>NAYS</u> | <u>ABSTAIN</u> | <u>ABSENT</u> |
|-------------|-------------|-------------|----------------|---------------|
| Eberle | Francois | | | Danile |
| Levine | Mettler | | | Glicklich |
| Sumter | Vassanella | | | Prasad |

CONSENT AGENDA ITEMS

Upon motion by Ms. Francois, seconded by Mr. Sumter, the following consent agenda items were adopted as follows upon call of the roll:

| <u>AYES</u> | <u>AYES</u> | <u>NAYS</u> | <u>ABSTAIN</u> | <u>ABSENT</u> |
|-------------|-------------|-------------|----------------|---------------|
| Eberle | Francois | | | Danile |
| Levine | Mettler | | | Glicklich |
| Sumter | Vassanella | | | Prasad |

Resolution #07-582 Authorize Release of Planning/Building Escrows.

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 112-214 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: | John Sudia | |
| ADDRESS: | 2024 Amwell Road Somerset, NJ 08873 | |
| DOCKET NO. | PLN-07-00002 | |
| BLOCK/LOT: | 430/23-29 & 30 | |
| LOCATION: | 125 Hollywood Avenue | |
| TYPE: | Planning Review | |
| AMOUNT DEPOSITED: | \$487.50 (Attny) | \$1,512.50 (In-Hse) |
| AMOUNT CHARGED: | <u>497.50</u> | <u>1,487.81</u> |
| AMOUNT TO BE REFUNDED: | \$ 0.00 | \$ 24.69 |

| | | |
|------------------------|---|------|
| APPLICANT: | Frank Greek Company | |
| ADDRESS: | 33 Cotters Lane East Brunswick, NJ 08816 | |
| DOCKET NO. | PLN2004-0062 | |
| BLOCK/LOT: | 517.04/2.13 | |
| LOCATION: | 850 Randolph Road | |
| TYPE: | Inspection Fees | |
| AMOUNT DEPOSITED: | \$11,120.97 (In- | Hse) |
| AMOUNT CHARGED: | <u>9,513.80</u> | |
| AMOUNT TO BE REFUNDED: | \$ 1,607.17 | |

Resolution #07-583 Authorize Blue Collar Supervisors, AFSCME 2426 Contract for the period of July 1, 2006 through June 30, 2010.

BE IT RESOLVED that the Township Council of Franklin, County of Somerset, State of New Jersey does hereby authorize the Mayor and Township Clerk to execute a Contract with the AFSCME 2426, providing conditions of employment for Blue Collar Supervisors in the Department of Public Works for the period of July 1, 2006 to June 30, 2010.

Resolution #07-585 Authorize Interlocal Agreement – Somerset County – Curbside Recycling – January 1, 2008 to December 31, 2008.

WHEREAS, the County of Somerset provides recycling services to the Township of Franklin and has submitted a renewal agreement for the period January 1, 2008 to December 31, 2008 with Somerset County Recycling located at 40 Polhemus Lane, Bridgewater NJ 08807;

NOW, THEREFORE, BE IT AND IT IS HEREBY 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 on behalf of the Township Agreement with the County of Somerset providing for Recycling Services for 2008 at a rate of \$23.85 per household per year.

Resolution #07-586 Award Bid – Server for Document Imaging – Dyntek Services, Inc. – Amount Not to Exceed \$46,855.00.

WHEREAS, a notice to bidders for the receipt of bids for the Purchase of a Server for the Document Imaging System was published in the Courier News and on the Township website on November 8, 2007 and bids were opened on November 20, 2007; and

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

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

Dyntek Services, Inc.

5 Greentree Centre, Suite 310
525 Lincoln Drive West
Marlton, NJ 08053

**Purchase of a Server for the Document Imaging System
Amount Not to Exceed \$46,855.00**

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

Resolution #07-587 Authorize Special Event Permit – Middlebush Reformed Church – A Living Nativity – Dec. 14, 2007 from 7:00 p.m. to 9:00 p.m. – Dec. 15, 2007 – 6:00 pm – 9:00 pm

WHEREAS, a request has been received from the Middlebush Reformed Church for permission to conduct A Living Nativity and related events on December 14, 2007 from 7:00 pm to 9:00 pm and December 15, 2007 from 6:00 pm – 9:00 pm; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset, New Jersey, that permission is hereby granted to the Middlebush Reformed Church to conduct A Living Nativity and related events on December 14, 2007 from 7:00 p.m. to 9:00 pm and on December 15, 2007 from 6:00 pm to 9:00 pm, subject to compliance with the requirements of Township Officials, including but not limited to the Chief of Police, Zoning Officer, Director of Health and Director of Fire Prevention.

Resolution #07-588 Authorize Discharge of CDBG Housing Rehabilitation Mortgage – dated March 29, 1993 – 435 Hillcrest Avenue – Block 294, Lots 19-21.

WHEREAS, the Township of Franklin holds a mortgage for Ana C. Gonzalez for premises known as Block 294, Lots 19-21 located at 435 Hillcrest Avenue, Somerset NJ in conjunction with dwelling renovation through the CDBG Housing Rehabilitation Program; and

WHEREAS, the property owners have paid to the Township of Franklin the balance due on the mortgage dated March 29, 1993 in Book 2526, Page 041 with the County Recording Officer;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Township Clerk be and they are hereby authorized to sign Discharge of Mortgage for Lots 19-21/Block 294 and to have same filed with the County Recording Officer.

Resolution #07-589 Authorize Agreement – Somerset Run Condominium Association – Reimbursement of Snow and Ice Removal as per Code Chapter 236.

BE IT RESOLVED by the Township Council of the Township of Franklin, Somerset County, New Jersey that the Mayor and Township Clerk are hereby authorized to execute an agreement with the Somerset Run Condominium Association to provide Municipal Services as per Code Chapter 163 for the removal of snow and ice.

Resolution #07-590 Authorize Abandoned Vehicle Auctions: January 15, 2008 at Impound Yard at 10:00 a.m.; January 16, 2008 at Dependable Motors at 10:00 a.m. and at Guaranteed Motors at 11:00 a.m.

BE IT RESOLVED that the Township Council of the Township of Franklin, County of Somerset and State of New Jersey does hereby authorize a Public Auction of automobiles which are into the possession of the Franklin Township Police Department through abandonment or failure of owners to claim in accordance with N.J.S.A. 39:10A-1 (Laws of the State of New Jersey) as follows:

Date: Tuesday, January 15, 2007
Time: 10:00 AM
Place: FTPD Impound Yard
Churchill and Berry Street, Somerset, NJ

| <u>Year</u> | <u>Make</u> | <u>Model</u> | <u>Style</u> | <u>Color</u> | <u>VIN#</u> |
|-------------|-------------|--------------|--------------|--------------|--------------------|
| 1991 | Lincoln | Continental | 4dr | Silver | 1LNCM9740MY705995 |
| 1993 | Mazda | | 4dr | Grey | JM1BG2241P0602724 |
| 1991 | Honda | Civic | 4dr | White | 1HGED3644ML019713 |
| 1988 | Toyota | Camry | 4dr | White | JT2SV24E8J0162982 |
| 1992 | Toyota | Corolla | 4dr | Grey | 2T1AE91A7N162223 |
| 1993 | Chevrolet | Blazer | | Green | 1GNNDT13W2P2203752 |
| 1994 | Mazda | 626 | 4dr | White | 1YVGE22C4R189877 |
| 2001 | Ford | Explorer | 4dr | Green | 1FMZU73E41ZA19199 |
| 1990 | Toyota | 4Runner | | Grey | JT3VN39WXL8008777 |
| 1995 | Honda | Civic | 2dr | Red | 2HGEJ1225SH527569 |
| 2002 | Pontiac | Grand Prix | 4dr | Maroon | 1G2WK52J22F182733 |
| 1985 | BMW | 325 | 2dr | White | WBAAB5403G9633004 |
| 1996 | Dodge | Caravan | | Blue | 2B4FP2535TR728568 |
| 1995 | BMW | 740 | 4dr | Green | WBAGJ638SDH34084 |
| 1982 | Cadillac | Seville | | Grey | 1G6AD6989C9152687 |
| 1991 | Mazda | Protege | 4dr | Blue | JM1BG2245M0211085 |

Date: Wednesday, January 16, 2007
Time: 10:00 AM
Place: Dependable Motors
873 Somerset Street, Somerset, NJ

| <u>Year</u> | <u>Make</u> | <u>Model</u> | <u>Style</u> | <u>Color</u> | <u>VIN#</u> |
|-------------|-------------|--------------|--------------|--------------|-------------------|
| 1994 | Toyota | Camry | 4dr | Green | JT2SK12E9R0261974 |
| 1997 | Acura | | 2dr | Black | 19UYA225SVL018995 |
| 1991 | Honda | Civic | 4dr | Blue | 1HGED355XML035893 |
| 1999 | Hyundai | Sonata | 4dr | Silver | KMHWF25V8XA075540 |
| 1985 | Honda | Prelude | 2dr | Grey | JHMAB7228GC007467 |
| 1987 | Dodge | Dakota | P/U | Blue | 1B7FN14C3HS511014 |
| 1988 | Jeep | Cherokee | | Grey | 1JCMT7843JT008553 |

Date: Wednesday, January 16, 2007
Time: 11:00 AM
Place: Guaranteed Motors
607 Somerset Street, Somerset, NJ

| <u>Year</u> | <u>Make</u> | <u>Model</u> | <u>Style</u> | <u>Color</u> | <u>VIN#</u> |
|-------------|-------------|--------------|--------------|--------------|-------------------|
| 1989 | Lincoln | Town Car | 2dr | Grey | 1KNBM92E8KY623909 |
| 1990 | Honda | Accord | 4dr | | 1HGCB7658LA126688 |
| 2001 | Ford | Explorer | | Black | 1FMYU70E91UA44063 |

Vehicle has Transferable/Regular Title

Vehicles may be viewed at the location noted above for the one (1) hour period preceding the auction.

BE IT FURTHER RESOLVED that Notice of Auction pursuant to Statute shall be published in the official newspaper of the Township of Franklin on December 17, 2007.

Resolution #07-591 Authorize Refund of Tax Overpayments.

WHEREAS, there appears on the books of the Collector of Revenue, refunds due, resulting from Tax/Water 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> |
|-----------------------|---|--|-----------------|
| Various | Township of Franklin | FY07 to FY08 Transfer Credits to next year | 46,452.53 |
| 516/2QFARM | Pillar of Fire | 1-2/07 | 217.12 |
| 516/3QFARM | 10 Chapel Drive Zarephath, NJ 08890 | 1-2/07 Overbilled property interest paid | 307.35 11.08 |
| 297/34 | Frenick, Helen 343 Girard Avenue Somerset, NJ 08873 | 4/06 Senior Deduction | 250.00 |
| 423.01/17.11 QFARM | Hajdu-Nemeth, Miklos 256 Cedar Grove Lane Somerset, NJ 088873 | 2/07 Overbilled Property | 2,417.39 |
| 513.06/13 | Canal Walk Homeowner 100 Canal Walk Blvd. Somerset, NJ 08873 | 1-2/07 Overbilled Property | 1,070.53 |

Resolution #07-592 Authorize Change Order No. 1 – Removal and Disposal of old and Purchase and Installation of new Chain Link Fence – Bragaton Construction, Inc. – Change Order Amount Not to Exceed \$3,696.00 – New Contract Amount: \$90,356.00.

WHEREAS, the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey, has on October 9, 2007, authorized the awarding of a contract to

Bragaton Construction Inc.
1700 Klem Avenue
Linden, NJ 07036

An amount not to exceed \$86,660.00 and

WHEREAS, during the course of the contract, it was discovered after work began the need for added security and safety at the Landing Lane Pump Station resulting in the need to increase the contract as follows:

CHANGE ORDER NO. 1: Removal and Disposal of Old and Installation of New Chain Link Fence – Amount not to exceed \$3,696.00 - **New Contract Total not to exceed \$90,356.00;** and

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

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey, does hereby authorize the issuance of Change Order No. 1 to the contract with Bragaton Construction Inc.; and

BE IT FURTHER RESOLVED that the Township Manager be and he is authorized to sign said Change Order on behalf of the Township.

Resolution #07-593 Establishing the positions of Open Space Advisory Committee Council Liaison and Trails Advisory Committee Council Liaison, each with a one-year term ending December 31st of each year.

BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset, New Jersey that it hereby establishes Council Liaisons for the Open Space Advisory Committee and the Trails Advisory Committee, each for one year terms ending December 31st of each year.

Resolution #07-594 Award Professional Services Agreement – Consultant Services for Development of Solid Waste Services – DeFeo Associates – Amount Not to Exceed \$42,300.00.

WHEREAS, a request for proposals for Consulting Services for the Development of Solid Waste Services was posted on the Township’s website on August 21, 2007 for receipt on September 25, 2007; and

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

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, Somerset County, New Jersey that the following fair and open contract be awarded for Consulting Services for the Development of Solid Waste Services to DeFeo Associates, 15 Washington Valley Road, Warren, NJ 07059 in an amount not to exceed \$42,300.00.

Resolution #07-595 Authorize Grant Application – NJDEP Division of Parks and Forestry Recreational Trails Grant – Grant Amount: \$25,000.00 – Develop a trail along Middlebush Park with exercise stations with a 20% match of in-kind services or cash match.

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 grant applications to the NJDEP Division of Parks and Forestry Recreational Trails Grant in the amount of \$25,000.00 for funds to develop a trail along Middlebush Park with exercise stations with 20% match of in-kind services and/or cash match and does authorize the appropriate Township officials to execute these grant applications on its behalf.

Resolution #07-596 Authorize Grant Application – U.S. Department of Justice, Office of Justice Programs’ Bureau of Justice Assistance Gang Resistance Education and Training (GREAT) Program – Grant Amount: Up to \$125,000.00 with a 10% match required for a total of \$135,500.00 (in-kind and/or cash match).

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 a grant application to the U.S. Department of Justice, Office of Justice Programs’ Bureau of Justice

Assistance Gang Resistance Education and Training (G.R.E.A.T.) Program and does authorize the appropriate Township officials to execute these grant applications on its behalf.

Resolution #07-597 Authorize Grant Application – NJ State Agricultural Development Committee Municipal Planning Incentive Grant Program – Purchase development rights of Township farmland.

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 a grant application to the NJ State Agricultural Development Committee Municipal Planning Incentive Grant to purchase development rights of Township farmland and does authorize the appropriate Township officials to execute these grant applications on its behalf.

Resolution #07-598 Support New Jersey High-Rise Building Fire Sprinkler Retrofit Regulations.

WHEREAS, on September 17, 2007, the New Jersey Department of Community Affairs proposed amendments to update the state's Uniform Fire Code, publishing them on the New Jersey Register for a 60-day comment period; and

WHEREAS, included in said amendments are regulations that would require all existing high-rise buildings in the State of New Jersey, both commercial and residential, to install full fire sprinkler coverage; and

WHEREAS, a study with the New Jersey Division of Fire Safety found that there are a substantial number of older high-rise buildings without adequate fire protection in New Jersey and are primarily located in cities and urban communities, creating a gap in fire protection coverage that endangers our citizens and fire professionals, setting a stage for potential tragedy;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Franklin, County of Somerset, State of New Jersey that they support the adoption of said amendments as published in the New Jersey Register on September 17, 2007 to update the state's Uniform Fire Code, specifically enacting amendments that require all high-rise buildings in the state to install complete fire sprinkler protection for the following reasons:

- People living and working in high-rise buildings built before 1987 deserve the same level of fire protection as those living and working in newer high-rises;
- Fire sprinklers will prevent a high-rise building disaster by providing time for citizens to escape and protecting the lives of firefighters;
- Fire sprinklers provide added protection for our state's most vulnerable populations, including children, elderly and disabled citizens, who are often without the capabilities to escape in the event of a fire;
- Retrofitting older high-rise buildings alleviates pressure on fire department labor and resources necessary to respond to fires of such caliber;
- Building owners have the opportunity to recoup the costs of installing fire sprinklers through insurance savings and tax depreciations.

BE IT FURTHER RESOLVED that a copy of the resolution be sent to Michael L. Ticktin, Esq., Chief Legislative Analysis, Department of Community Affairs, to be made part of the public comment on the proposed regulations.

Resolution #07-599 Award Bid – Garden State Laboratories – Water Sample Test – January 1, 2008 to December 31, 2009 – Amount Not to Exceed \$45,000.00.

WHEREAS, a notice to bidders for the receipt of bids for Water Sample Testing was published in the Courier News and on the Township website on November 11, 2007 and bids were opened on November 20, 2007; and

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

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

Garden State Laboratories

410 Hillside Avenue
Hillside, NJ 07205

Water Sample Testing – January 1, 2008 to December 31, 2009
Amount Not to Exceed \$45,000.00

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

Resolution #07-600 Award State Contract – Edmunds & Associates– Software and Maintenance for Tax Collection/Utility Billing and Printing of Tax Bills – January 1, 2008 to December 31, 2008 – Amount Not to Exceed \$34,500.00.

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: Edmunds and Associates Inc.
301 A. Tilton Road
Northfield, NJ 08225
State Contract A81201

ITEMS: Software Maintenance – January 1, 2008 to December 31, 2008
Tax Collection/Utility Billing/Printing of Tax Bills

COST: \$34,500.00

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 #07-601 Award Bid – Document Imaging Software, Maintenance and Hardware – AMI Imaging LLC – Amount Not to Exceed \$58,600.03.

WHEREAS, a notice to bidders for the receipt of bids for Document Imaging Software, Maintenance and Hardware was published in the Courier News and on the Township website on May 31, 2007 and there was one (1) addendum issued on July 26, 2007 postponing the original bid opening date from June 28, 2007 to August 16, 2007; and

WHEREAS, as a result of the Township’s decision not being made within the 60 days required by the New Jersey Local Public Contracts Law, the bidders were asked and agreed to an extension of their bids; and

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

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

AMI Imaging LLC

158 Gaither Drive, Suite 110

Mt. Laurel, NJ 08054

Document Imaging Software, Maintenance and Hardware

Amount Not to Exceed \$58,600.03

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

Resolution #07-602 Award Alternate Extraordinary Unspecifiable Service Agreement – InterSoft Technologies Int., LLC – Finance Package Purchase and Maintenance from January 1, 2008 to June 30, 2008 – Amount Not to Exceed \$25,875.00 for Purchase and \$2,587.50 for Maintenance.

WHEREAS, a need exists to contract for the below noted services for the Township of Franklin, County of Somerset, New Jersey as an alternate contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; 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, InterSoft Technologies Int. LLC had submitted a proposal indicating they would provide a Finance Package – Purchase and Maintenance for the period from January 1, 2008 to June 30, 2008 in an amount not to exceed \$25,875.00 for Purchase and \$2,587.50 for Maintenance; and

WHEREAS, InterSoft Technologies Int. LLC has completed and submitted a Business Entity Disclosure Certification which certified that InterSoft Technologies Int. LLC has not made any reportable contributions to a political or candidate committee in the Township of Franklin in the previous one year, and that the contract will prohibit InterSoft Technologies Int. LLC from making any reportable contributions through the term of the contract;

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) The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.
- (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: INTERSOFT TECHNOLOGIES INT. LLC
 ADDRESS: 195 Carter Drive, Suite 5A
 Edison, NJ 08814
 CONTRACT AMOUNT: Amount Not to Exceed \$28,462.50
 (01/01/08 to 06/30/08)
 SERVICE: Finance Package – Purchase and Maintenance

Resolution #07-603 Authorize Release of Performance Guarantee – Frank Greek/Franklin Industrial Partners – Docket No. PLN2004-0062 – Block 517.04/Lot 2.13 – 850 Randolph Road – Site Improvements - \$88,967.76.

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

NAME OF APPLICANT: Frank Greek/Franklin Industrial Partners
 ADDRESS OF APPLICANT: 33 Cotter Lane, East Brunswick, 08816
 ITEM: Performance Guarantee
 NUMBER: N/A
 INSURANCE CO./BANK: N/A.
 DOCKET: PLN2004-0062
 IN THE AMOUNT OF: \$88,967.76
 FOR: Block 517.04/Lot 2.13 – Site Improvements – 850 Randolph Road

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

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

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the aforesaid Performance Guarantee in the amount of \$88,97.76 be released to the above named applicant.

Resolution #07-604 Authorize Release of Performance Guarantee – Franklin Industrial Partners – Docket No. PLN2004-0062 – Block 517.04/Lot 2.13 – 850 Randolph Road – Site Improvements - \$800,709.84.

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

NAME OF APPLICANT: Franklin Industrial Partners
 ADDRESS OF APPLICANT: 33 Cotter Lane, East Brunswick, 08816
 ITEM: Performance Bond
 NUMBER: 501487
 INSURANCE CO./BANK: Bond Safeguard Insurance Co.
 DOCKET: PLN2004-0062
 IN THE AMOUNT OF: \$800,709.84
 FOR: Block 517.04/Lot 2.13 – Site Improvements – 850 Randolph Road

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

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

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the aforesaid Performance Guarantee in the amount of \$800,709.84 be released to the above named applicant.

Resolution #07-605 Authorize Tax Title Lien Redemptions – Outside Buyers.

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

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

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

Date of Sale: 6/8/07
Block/Lot: 148/9
Name & Address: Howard, Anthony J.,128 Victor St., Somerset
Amount: 302.61
Make Check Payable To: Chun T. Li
Certificate No.: 070089
Payment Received: 11/14/07

Date of Sale: 6/8/00
Block/Lot: 468.05/11
Name & Address: Bathan, Oscar & Leominda,22 Emerald Pl, Somerset
Amount: 368.26
Make Check Payable To: JNH Funding Corp.
Certificate No.: 20-113
Payment Received: 11/16/07

Date of Sale: 6/8/07
Block/Lot: 34.10/59.01c0408
Name & Address: Stephens, Lydia, 95 Edward Dr., Franklin Park
Amount: 115.14
Make Check Payable To: Chun T. Li
Certificate No.: 070036
Payment Received: 11/19/07

Date of Sale: 6/8/07
Block/Lot: 85/56.03c0100
Name & Address: 100 Kingsberry Drive
Amount: 934.12
Make Check Payable To: James Older
Certificate No.: 070064
Payment Received: 11/20/07

Date of Sale: 06/08/07
Block/Lot: 155/19
Name & Address: 59 RAY ST
Amount: 717.55
Make Check Payable To: James Older
Certificate No.: 070099
Payment Received: 11/20/07

Date of Sale: 4/10/97
Block/Lot: 230/1
Name & Address: Tatum, Clarence & Joann, 116 Martin St., Somerset
Amount: 452.75
Make Check Payable To: Herbert Sehgel
Certificate No.: 97-182
Payment Received: 11/27/07

Date of Sale: 6/11/98
Block/Lot: 230/1
Name & Address: Tatum, Clarence & Joann, 116 Martin St., Somerset
Amount: 789.15
Make Check Payable To: Herbert Sehgel
Certificate No.: 98-195
Payment Received: 11/27/07

Date of Sale: 6/8/07
Block/Lot: 270/18
Name & Address: Protacio, Paulo & R.M., 5 Fraley Drive, Somerset
Amount: 24,371.10
Make Check Payable To: U.S. Bank Cust/SASS Muni V drt
Certificate No.: 070149
Payment Received: 11/29/07

Date of Sale: 6/8/07
Block/Lot: 92/3
Name & Address: Patti, Paolo, 1276 Hamilton St., Somerset
Amount: 14,548.55
Make Check Payable To: Denise Glover
Certificate No.: 070074
Payment Received: 11/30/07

Resolution #07-606 Authorize Release of Winter Bonds – Canal Walk Associates LLC – 103, 104, 109, 113, 161 & 163 Saratoga Court - \$3,000.00.

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

ITEM: Winter Bonds
NAME OF APPLICANT: Canal Walk Associates, LLC
ADDRESS OF APPLICANT: 112 Schoolhouse Road
 Somerset, NJ 08873
NUMBER: N/A
INSURANCE CO./BANK: N/A
DOCKET: N/A
IN THE AMOUNT OF: \$500.00 each
FOR: 103 Saratoga Court
 107 Saratoga Court
 109 Saratoga Court
 113 Saratoga Court

161 Saratoga Court
163 Saratoga Court

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

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

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the aforesaid Performance Guarantee in the amount of \$500.00 each, total \$3,000.00 be released to the above named applicant.

Resolution #07-607 Award Bid – 2007-08 Snowplowing and Removal/Equipment Rental – Lou’s Truck Repair, LLC - \$165.00 per hour per truck, amount not to exceed \$30,000.00 for all trucks.

WHEREAS, a notice to bidders for the receipt of bids for Snowplowing and Removal/Equipment Rental was published in the Courier News and on the Township website on November 30, 2007 for receipt of bids on December 11, 2007; and

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

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

Lou’s Truck Repair, LLC

172 Baekeland Avenue
Middlesex, NJ 08846

Four trucks @ \$165.00 per hour

Snowplowing and Removal/Equipment Rental

Amount Not to Exceed \$30,000.00 for all trucks

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

Resolution #07-608 Authorize Refund of Construction Water Meter Escrows.

WHEREAS, the Township of Franklin, Somerset County has received escrow monies for purposes of utilizing fire hydrants for construction water as required by **Section 384-11 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 remaining as set forth be returned to the applicant:

APPLICANT: Danella Construction
ADDRESS: 812 Reese Road, Severn MD 21144

| | |
|---|------------|
| AMOUNT DEPOSITED: | \$2,145.00 |
| AMOUNT TO BE DEPOSITED IN WATER ACCOUNT FOR SERVICE CHARGE & WATER USAGE | \$ 264.50 |
| AMOUNT TO BE REFUNDED: | \$1,880.50 |

APPLICANT: Fusion on Ice, LLC
 ADDRESS: 179 Woodland Road
 Madison, New Jersey 07940

| | |
|---|-----------|
| AMOUNT DEPOSITED: | \$ 850.00 |
| AMOUNT TO BE DEPOSITED IN WATER ACCOUNT FOR SERVICE CHARGE & WATER USAGE | \$ 160.00 |
| AMOUNT TO BE REFUNDED: | \$ 690.00 |

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, Somerset County 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 #07-609 Urge Opposition to “The New Jersey Material Price Stabilization Act.”

WHEREAS, Assembly Bill A-4384 and Senate Bill S-2955 require a provision for renegotiation of an awarded construction contract based upon the price fluctuation of key construction materials’ price changes based on recognized, but selective, industry price indices, said changes covering both the general contractor and subcontractors with whom the contracting unit has no direct pay relationship; and

WHEREAS, this proposed legislation will have significantly adverse impact on public contracting operations, specifically an open-ended increase in the cost of public construction projects that will jeopardize the stability of the capital budgets of all local units; and

WHEREAS, the proposed legislation will exacerbate the already complicated regulatory environment surrounding public bidding and the contracting process and will require additional personnel to monitor the market and indices in addition to other monitoring already required such as Prevailing Wages, Affirmative Action, Prompt Pay, and Traffic Control; and

WHEREAS, the responsibility for price increases cannot be borne by the local unit and this proposed legislation obviates the very purpose of bidding a project pursuant to the Local Public Contracts Law; and

WHEREAS, this proposed legislation ignores various other contracting laws for schools, county colleges and the state and is, therefore, discriminatory to local units;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Franklin, Somerset County, New Jersey to petition the Legislature and the Governor to defeat Assembly Bill A-4384 and Senate Bill S-2955 and that copies of this Resolution be sent to Governor Jon Corzine, Senate President Richard Codey, Speaker of the Assembly Joseph Roberts, Assemblymen Joseph V. Egan and Joseph R. Malone, III (Assembly Sponsors), Assemblyman Upendra Chivukula, the Assembly Housing and Local Government Committee, Senator Joseph Coniglio, Senate Sponsor, Senator Bob Smith, the Senate State Government Committee, Somerset County Board of Chosen Freeholders, all Somerset County municipalities and the NJ League of Municipalities.

Resolution #07-610 Authorize Place-to-Place Transfer of Plenary Consumption License (Building Improvements & Expansion of Premises) – Rukh Catering, t/a The Imperia – 1714 Easton Avenue.

WHEREAS, an application has been filed for a place-to-place transfer (Change and Expansion of Premises) of Plenary Retail Consumption License 1808-33003-002, for the purpose of building improvements and expanding the premises under license wherein the sale, service, and storage of alcoholic beverages are authorized; and

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

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Township of Franklin, County of Somerset, State of New Jersey does hereby approve, effective December 11, 2007, the building improvements and expansion of the aforesaid Plenary Retail Consumption licensed premises located at 1714 Easton Avenue, Somerset, New Jersey to place under license the are delineated in the application form and the sketch of the licensed premises attached thereto.

Resolution #07-611 Authorize Waiver of Fees when General Water Emergency Declared - Curb Connection Tap Fee and Meter Charge – 171 Martin Street - \$2,093.98.

WHEREAS, Code Section 384-62, provides the waiver of fees when a general water emergency is declared by the Health Officer; and

WHEREAS, said fees include well abandonment fees as stated in Section 384-7E; curb connection capital fees as stated in Section 384-19; curb connection tap fees as stated in Section 384-19E(1); and meter charges as stated in Section 384-20; and

WHEREAS, the owners of 171 Martin Street received notification from the Somerset County Health Department that their well was contaminated; and

WHEREAS, the owners of 171 Martin Street have been working with the NJ Department of Environmental Protection, who authorized funding from the Spill Fund to initiate connection to the Township's water system and has agreed to pay for the cost of the capital connection fee; and

WHEREAS, the owners of 171 Martin Street are still responsible for the curb connection tap fee and mater charge in the amount of \$2,093.98 and have requested the Township Council waiver of said fees as per Code Section 384-62;

WHEREAS, the Township Engineer has recommended waiver of the aforesaid fees for 171 Martin Street;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Franklin, County of Somerset, State of New Jersey that it hereby approves waiver of the curb connection tap fee and mater charge in the amount of \$2,093.98 for 171 Martin Street.

ADJOURNMENT

Ms. Francois moved to adjourn the meeting at 11:05 p.m. Said motion was seconded by Mr. Mettler and carried unanimously upon call of the roll.

Approved: *January 22, 2008*

Brian D. Levine, Mayor

Date: *As Submitted.*

Ann Marie McCarthy, Township Clerk