

The Special Meeting of the Township Council of the Township of Franklin, County of Somerset, New Jersey was called to order by the Mayor at 7:02 p.m.

Mayor Levine read the following statement: "In accordance with Section 5 of the Open Public Meetings Act, Chapter 231, Public Law 1975, be advised that adequate notice of this Special 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, indicating that this Special Meeting would take place at the Franklin Township Municipal Complex at 7:00 p.m. on December 20, 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."

The Township Clerk called the roll.

Present: Ms. Daniel, Ms. Eberle, Mr. Glicklich, Mayor Levine, Mr. Mettler, Mr. Prasad, Mr. Sumter

Absent: Ms. Francois and Deputy Mayor Vassanella

EXECUTIVE SESSION

Mayor Levine presented the following resolution:

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

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

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

- 1 The public shall be excluded from discussion of and action upon the hereinafter specified subject matters;
- 2 The general nature of the subject matter to be discussed is as follows:

Litigation concerning the Township's Mt. Laurel Litigation including FRAID; Kings Row; and Janho Lawsuits

- 3 The Township Council may take official action on those items discussed in Executive Session upon completion of the Execution Session.
- 4 The minutes of the discussions shall be made available to the public as soon as the matters under discussion are no longer of a confidential or sensitive nature.
- 5 This resolution shall take effect immediately.

The aforesaid resolution was moved by Mr. Glicklich, seconded by Mr. Prasad and carried as follows upon call of the roll:

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

The meeting adjourned to Executive Session at 7:07 p.m.

A motion was made by Mr. Glicklich to reconvene the public meeting. The motion was seconded by Mr. Mettler and carried unanimously upon voice vote. The meeting reconvened to public at 7:21 p.m.

PUBLIC DISCUSSION

Mr. Prasad moved to open the public discussion. Said motion was seconded by Mr. Glicklich and carried unanimously upon voice vote.

Stuart Lieberman, representing FRAID, summarized the action taken by the Planning Board at their meeting yesterday and requested the Township Council to adopt a resolution affirming said position by removing the Bennetts/Veronica Project from the Fair Share Plan. He suggested that a new letter of interpretation from the NJDEP to address the red shoulder hawk. He spoke of the NJDEP Flood Area Hazard Control Regulations and how the property is not usable and is too dense.

Phillip Kramer, 429 Canal Road, TUF, gave his support to the removal of the Bennetts/Veronica Project and presented reasons why it should be removed.

A motion was made by Mr. Glicklich to close the meeting to the public. Said motion was seconded by Mr. Prasad and carried unanimously upon voice vote.

RESOLUTION

Resolution #07-612 Governing Body Resolution Re-Petitioning with an Amended Housing Element and Fair Share Plan

Mayor Levine presented the following resolution:

WHEREAS, on December 19, 2007, the Planning Board of Franklin Township, Somerset County, State of New Jersey, adopted an amendment to the Township's Housing Element and Fair Share Plan dated December 6, 2007; and

WHEREAS, the December 6, 2007 amendment revises the Township's Housing Element and Fair Share Plan so as to eliminate the "Bennett's/ Veronica" project and to make necessary adjustments in the figures, tables and text of the Housing Element and Fair Share Plan to reflect elimination of that project; and

WHEREAS, the "Bennett's/Veronica" project is being eliminated as the property contains a number of environmental constraints which limits the area which is capable of being developed as set forth in the documents and information available to date. The Council prefers not to have a property with these environmental features developed at the proposed/anticipated level of density. Further, the Plan Amendment attached hereto eliminates this property since, as the Plan Amendment of August 2007, incorporating the 66-unit affordable development on Block 129 within the Churchill-Millstone Redevelopment Area, and with the recalculation of the Township's Affordable Housing requirement without the "Bennett's/Veronica" project, the Plan as amended meets the Township's total Affordable Housing requirements in accordance with the Substantive and Procedural Rules of the New Jersey Council on Affordable Housing for the Period Beginning on December 20, 2004, N.J.A.C. 5:94-1.1 et seq. and N.J.A.C. 5:95-1.1 et seq.; and

WHEREAS, a true copy of the resolution of the Planning Board adopting the amended Housing Element and Fair Share Plan is attached pursuant to N.J.A.C. 5:95-2.2(a)2.

NOW THEREFORE BE IT RESOLVED that the Governing Body of Franklin Township, Somerset County, State of New Jersey, hereby endorses the amended Housing Element and Fair Share Plan as adopted by the Franklin Township Planning Board on December 19, 2007; and

BE IT FURTHER RESOLVED that the Governing Body of Franklin Township, pursuant to the provisions of N.J.S.A. 52:27D-301 et seq. and N.J.A.C. 5:95-3.4, submits this re-petition for substantive certification of the amended Housing Element and Fair Share Plan to the Council on Affordable Housing for review and certification; and

BE IT FURTHER RESOLVED that all owners of sites in the Housing Element and Fair Share Plan will receive notice of the re-petition by the Council on Affordable Housing; and

BE IT FURTHER RESOLVED that notice of this re-petition for substantive certification shall be published in a newspaper of countywide circulation pursuant to N.J.A.C. 5:95-3.5 within seven days of issuance of the notification letter from the Executive Director of the Council on Affordable Housing indicating that the submission is complete and that a copy of this resolution, the adopted amended Housing Element and Fair Share Plan and all supporting documentation shall be made available for public inspection at the Franklin Township municipal clerk’s office located at 475 DeMott Lane, during the hours of 8:30 a.m. to 4 p.m., on Monday through Friday for a period of 45 days following the date of publication of the legal notice pursuant to N.J.A.C. 5:95-3.5.

The aforesaid resolution was moved by Mr. Glicklich, seconded by Ms. Danile and carried as follows upon call of the roll:

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

ADJOURNMENT

Motion was made by Mr. Glicklich and seconded by Ms. Danile to adjourn the meeting at 7:29 p.m. The motion was carried unanimously upon voice vote.

Respectfully Submitted,

Ann Marie McCarthy, Township Clerk

Approved: *As Submitted.*

Date: *January 22, 2008*