

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

The Reorganization Meeting of the Township Council of the Township of Franklin, County of Somerset, New Jersey, was called to order by Township Clerk Ann Marie McCarthy at 2:10 p.m.

Township Clerk Ann Marie McCarthy called the 2008 Reorganization Meeting of the Township Council to order. Township Clerk Ann Marie McCarthy stated "In accordance with Section 5 of the Open Public Meeting Act, Chapter 231, Public Law 1975, be advised that adequate notice of this Reorganization 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 Reorganization Meeting would take place at the Franklin Township Municipal Complex at 2:00 p.m. on January 1, 2008. 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."

A Flag Ceremony was conducted by Boy Scout Troop 154 and the Pledge of Allegiance was led by students of the Somerset Presbyterian Nursery School and Kindergarten.

Mayor Levine's oath of office was administered by his sister. After he took his oath of office, he took his seat at the dais as Mayor.

Township Clerk Ann Marie McCarthy administered oaths of office to Daniel Glicklich, Rajiv Prasad, Kimberly Francois, Councilpersons At-Large. After they took their oaths of office, they took their seats at the dais as Councilpersons At-Large.

Minister Kermit Moss, First Baptist Church of Lincoln Gardens, led an invocation.

Branden Phillips from the NJ Oratory presented the poem, "If all trees were oak."

God Bless America was performed by Crystal Russeau, Franklin High School Student.

**Remarks by Mayor Brian D. Levine**

Mayor Levine welcomed Council members, Township staff, distinguished guests and the residents of Franklin. He thanked those who elected him and gave his thanks to those who did not by noting he is their Mayor also. He stated that it does not matter what party line he is elected from, he only believes in Franklin. He stated he would not be here without the support of his wife, Lori and his daughters Ariella and Shira; and his parents who taught him right from wrong.

Mayor Levine stated Franklin is a contrast of dark and light. There are 60,000 residents spread over 40 square miles. There are urban, suburban and rural areas. There is a beautiful mix of diversity of every kind. It is a town made up of many communities, including Somerset, East Millstone, Kingston, Little Rocky Hill, Franklin Park, Blackwells Mills, Zarephath and Middlebush. He stated all of us combine into one community to dispel the dark and seek the light.

He stated he is proud to have been labeled "The People's Mayor" because he enjoys the residents and feels a connection to the people. As the Mayor, he has a vision which includes seeking the best attorneys for the job; seeking the best appointments to boards and commission; imploring political parties, especially here in Franklin, seeking the best officers and chairpersons that hold people over party and productive good over partisanship. This is sought to not get pay to play money; not to get votes; but because it is the right thing to do. This will lead to the shining light of Franklin.

He reminded all that they have there has been darkness in Franklin. He stated he sheds a tear for Franklin for the political bossism that has invaded their town in the past; for the secretiveness and dysfunction that led to a recall election; for the projects that benefit developers and not residents; for the homicides that befallen us last year; and for the ravages of gangs that infect their communities like a plague.

He stated to dispel that darkness only takes one candle. He stated the good news is they have previous individuals that are the candles and they combine to make a whole glowing candelabra. He stated one couldn't see the light until they give it away. He stated he believes in the light, the American dream and the people of Franklin.

He stated he believes on some very special people who live in Franklin. Their light shines to make the world a beautiful place. He acknowledged Mary Berry who asked the Township to save her home from the wrecking ball of improper eminent domain. At first, he was the only one on his side, but she fought city hall and won. As a consequence, she saved her neighbors' homes and raised the consciousness of the entire community. He acknowledged Myra Mitchell who was named a Franklin High School teacher of the year. Her students love her. She is on paid leave and has requested to continue teaching. She does not want to be paid for staying home, she wants to teach. Ms. Mitchell or "Mitch" as she is known loves teaching and her students as all of our teachers should.

He acknowledged Janet Walton, "Miss Janet", who gives her own money, as well as time and efforts to help the vulnerable of our population. He stated he has seen her literally sacrifice herself for the benefit of others. He has seen her go without her own personal necessities to give extra money to her cause. He stated when someone with a million dollars donates \$10,000, we are often in awe of such high amount, but it is definitely greater for someone with very little to give her virtual last cent to a cause. She gets no glory or no money and often no "thank you's", as the people she has helped were not told of her being a Good Samaritan. He noted he knows her and admires her.

He acknowledged Kevin Appuzio who cannot stand and be recognized, as he was a firefighter in Franklin and died trying to save someone he never knew. This light, he extended to all Franklin police and firefighters.

He reviewed his "10-point Vision" which included the following:

1. Controlled growth
2. Tourism and Eco-tourism
3. Business Development
4. Symphony (All facets of town working in conjunction like a symphony)
5. Transportation Initiatives
6. Fiscal Responsibility
7. Cooperation with the Board of Education and our neighboring municipalities
8. Residents being first and top priority
9. Franklin Youth Initiative
10. Mayor's Advisory Committee

He noted this is an ambitious agenda with lofty goals. He may not finish in four years, but says they should begin now. Together, they can make these dreams become realities.

He spoke of his belief that dreams become realities when one sets a worthy goal and work toward it. He spoke of his belief in the American dream. He spoke of his belief they can help the underprivileged by creating jobs, transportation and opportunity. He spoke of his belief that the finest years of their town are just ahead of them. He spoke of his belief Franklin will be a model for other communities under his leadership and their support. He spoke of his belief in the power of the people, their will, the thousands of people who elected him, those who did not vote for me, for everyone has my unwavering backing. He guaranteed no one would be disenfranchised. He spoke of his belief in the good and the light and lamented the bad and the dark. He deplored the concentration of power.

He will not tolerate the exercise of power for selfish or partisan means. He rues not only corruption for money, but also corruption of ego and the spineless few who know what is right but are afraid to buck those who are wrong. He expressed his disgust by the pay to play parasites and their legalized stealing and by those who feel giving a legal bribe is better than competing on an even playing field.

He stated he is optimistic that Council will work together on a bi-partisan agenda and make today make appointments in a bi-partisan manner. He noted they would see shortly when the voting begins. He stated he has no patience for those who tell him being a Democrat or Republican is more important than cooperation; collaboration and constantly putting the residents of Franklin first.

He pledged to lead them out of the darkness of political conceit and narcissism and into the light of human humbleness and righteousness. He stated if it is not good for you, the residents, then it is not good for Franklin. He stated ideas and intentions are not good enough. They need action. People deserve action. Action he will give them. Action they shall have.

He spoke of his belief that Franklin will have the light. He has always believed he would lead them into the light. Years ago, there were Council members who voted against televising their meetings when he proposed it, but he has always believed in the sunshine of public scrutiny..

He stated there are those who want to decide issues of public policy in old style, political smoke-filled back rooms, even here in Franklin, but has always believed in the rights of residents to know how their government works. He stated there have been Council members in the past who limited the amount of time the public could speak and participate, while he was motioning to increase this vital freedom, but he has always believed that not only does the public have the right to speak, they deserve the respect of being listened to.

He stated in Franklin, some residents have become upset and rightfully so because they did not know the proceedings in their own neighborhood, but he has always believed that they should overly communicate and expand the number of people to be informed and that is how we not operate in Franklin. He stated there have been those in this town who wanted to limit the amount of information that the people get, but he has always believed that the electorate is intelligent and can make proper decisions if they give them the facts.

He stated there are those who are afraid of public scrutiny and want to ramrod their self-serving agendas down our throats, but he has always believed that anything worth considering is worth exposing to the light of day – be it the good, the bad or the ugly – as the light of public viewing is the light of the people. He stated they must remember to never forget that they are the government of all people not the privileged few and when they make decisions they owe it to the people to show them the light.

In conclusion, he asked all to walk in the light with him because he believes in the people. He stated hope is alive; our spirit is alive and the light is alive. He asked all to come and light the candles with him and together they will forever dispel the darkness.

#### *Remarks by Councilman Daniel Glicklich*

Councilman Glicklich thanked the Mayor and noted he hoped all could live up to those ideals. He thanked Franklin's citizens and agreed with the Mayor that they represent everyone. He thanked Branden Phillips for a brilliant reading and praised Crystal Rousseau for her beautiful voice. He thanked the Boy Scouts for conducting the flag ceremony. He noted it is wonderful to have young people involved in government.

He spoke of before his retirement and when he was a history teacher. He had a student who wrote about Socrates, a great philosopher, who talked too much and they killed him. He stated that over the past year, they have been arguments and scandals, but also accomplishments. He stated they need to work together to do great things and to put the arguments behind them. He stated issues need to be debated.

He stated it was a shame that it took the deaths of two young men to galvanize the community, but now that it has started, it must continue. It is the right of the people to live without fear – fear of their lives. He stated the Youth Services Council would work with Somerset County and the Board of Education. The Township needs help – needs more volunteers and he encouraged all to volunteer.

He noted a good speaker is one with a good beginning and a good ending. In closing, he expressed his hope is that people everywhere will learn to finally live as brothers, to respect each others differences, to heal each others wounds and to promote each others progress, and to benefit from each others knowledge. He stated hatred is a bad goal and no way to solve problems.

#### **Remarks by Councilman Rajiv Prasad**

Councilman Prasad thanked the voters of Franklin. He expressed his humbleness and noted it is an awesome responsibility that he hopes and prays he is able to fulfill. He stated he is here to serve all and they way to pay back the community after thirty years is to make it better than he found it. He spoke of his belief in the American dream and how as an immigrant who came here 37 years ago as a young student he has lived the American dream. He stated they have many things to do and they need to do better. He has improved the overall safety by hiring additional police officers. He requested help and support of others to improve the quality of life in Franklin.

#### **Remarks by Councilwoman Kimberly Francois**

Councilwoman Francois stated it was an honor and privilege to be elected and promised to serve the people to the best of her ability. She spoke of when she was Mayor and was criticized because she worked with everyone. She was accused of being a turncoat. She stated her style is very collaborative and will continue to represent everyone. She will work hard to help everyone and thanked all for their support. She praised her fellow Council members.

Prior to roll call, Mayor Levine recognized the following dignitaries that were present at the Reorganization Meeting: Assemblyman Upendra Chivukula; Somerset County Sheriff Frank Provenzano; Somerset County Freeholder Director and former Franklin Township Mayor Robert Zaborowski; Somerset County Freeholder-Elect Patricia Walsh; Franklin Township Board of Education President Eva Nagy and Library Board of Trustees President Shirley Pietrucha.

The Township Clerk called the roll.

Present: Ms. Danile, Ms. Eberle, Ms. Francois, Ms. Glicklich, Mr. Levine, Mr. Mettler, Mr. Prasad, Mr. Sumter, Mr. Vassanella

Absent: None.

Also present: Kenneth W. Daly, Township Manager and Ann Marie McCarthy, Township Clerk.

### **PUBLIC DISCUSSION**

Upon motion by Mr. Glicklich, seconded by Mr. Mettler, the meeting was opened for public discussion. Said motion carried unanimously upon call of the roll.

Jim Wickman, 12 Darwin Road, Fire Commissioner District 1, thanked Mayor Levine for acknowledging Kevin Appuzio. He noted it is important that all not forget.

Mark Greico, 21 Cooper Road, spoke of alleged closed meetings of Council members regarding the appointment of the Township Attorney for 2008. He alleged that discussions were held without public knowledge or input. He suggested that a public and fair process be put in place for appointments by Council.

Charles Seigel, Franklin Greens, on behalf of the Senior Citizens, thanked Council for working with and for them in 2007 and stated he is looking forward to working with them in 2008.

Upendra Chivukula, Assemblyman, District 17, wished everyone a happy new year. He noted he has been a resident for 24 years and is honored to represent the citizens of his district. He stated that he voted on legislation that allowed the public the opportunity to speak at every meeting. He acknowledged school funding and property tax relief. He noted the Township has serious traffic issues that need to be addressed.

Chip Hoever, 9 Stallion Court, wished everyone a happy new year. He spoke of the alleged open public meetings violation. He expressed his disappointment that Council was not working bi-partisan. He stated he is offended that it is back to business as usual. He expressed his hope that Council can work together for Franklin.

John Clyde, 18 Sweetbriar, thanked the Mayor and congratulated the newly elected Councilpersons At-Large for their service. He spoke of the Trails Report that has been distributed and asked Council to review before they make any final decisions regarding the Township's trails. He expressed best wishes and happy new year to all in 2008.

Upon motion by Mettler, seconded by Mr. Glicklich to close the public discussion. Said motion carried unanimously upon call of the roll.

**NOMINATIONS FOR DEPUTY MAYOR – ONE (1) YEAR TERM – 1/01/08 TO 12/31/08**

Mayor Levine called for nominations for Deputy Mayor for a one (1) year term commencing January 1, 2008 and expiring December 31, 2008.

Mr. Sumter nominated James Vassanella for Deputy Mayor for a one (1) year term commencing January 1, 2008 and expiring December 31, 2008.

Ms. Eberle nominated Teresa Danile for Deputy Mayor for a one (1) year term commencing January 1, 2008 and expiring December 31, 2008.

The nomination for Deputy Mayor carried as follows upon call of the roll:

**VASSANELLA**

Francois

Levine

Mettler

Prasad

Sumter

Vassanella

**DANILE**

Danile

Eberle

Glicklich

Mayor Levine declared James Vassanella appointed Deputy Mayor and the Township Clerk administered the Oath of Office.

**NOMINATIONS FOR TOWNSHIP ATTORNEY ONE-YEAR TERM – 01/01/08 TO 12/31/08**

Mayor Levine called for nominations for Township Attorney for a one (1) year term commencing January 1, 2008 and expiring December 31, 2008.

Mr. Glicklich nominated Louis Rainone, Esq. for Township Attorney for a one (1) year term commencing January 1, 2008 and expiring December 31, 2008.

Ms. Francois nominated Leslie G. London, Esq. For Township Attorney for a one (1) year term commencing January 1, 2008 and expiring December 31, 2008.

Ms. Danile made supportive comments regarding Mr. Rainone and stated that consideration needs to be made regarding experience in the midst of the serious litigation the Township is facing.

Mr. Prasad stated he had agonized over this decision of what is in the best interest for the Township. He expressed his wish that the process for appointing the Township Attorney was conducted as a fair and open process. He wished that Council were able to look at all

options. He asked that fair and open process regarding the Township Attorney be placed on the next agenda.

The nomination for Township Attorney carried as follows upon call of the roll:

**RAINONE**

Danile  
Eberle  
Glicklich

**LONDON**

Francois  
Levine  
Mettler  
Prasad  
Sumter  
Vassanella

Mayor Levine declared Leslie G. London appointed Township Attorney and the Township Clerk administered the Oath of Office.

**NOMINATIONS FOR MUNICIPAL JUDGE – THREE-YEAR TERM – 01/01/08 TO 12/31/10**

Mayor Levine called for nominations for Municipal Judge for a three (3) year term commencing January 1, 2008 and expiring December 31, 2010.

Deputy Mayor Vassanella nominated Ronald Wright for Municipal Judge for a three (3) year term commencing January 1, 2008 and expiring December 31, 2010.

Mr. Mettler nominated William Kohlepp for Municipal Judge for a three (3) year term commencing January 1, 2008 and expiring December 31, 2010.

Mayor Levine nominated Drew Hurley for Municipal Judge for a three (3) year term commencing January 1, 2008 and expiring December 31, 2010.

The nomination for Municipal Judge carried as follows upon call of the roll:

**WRIGHT**

Danile Prasad  
Eberle Sumter  
Francois Vassanella

**KOHLEPP**

**HURLEY**

Glicklich  
Levine  
Mettler

Mayor Levine declared Ronald Wright appointed Municipal Judge.

**NOMINATIONS FOR ONE (1) TOWNSHIP PROSECUTOR – ONE-YEAR TERM – 01/01/08 TO 12/31/08**

Mayor Levine called for nominations for one (1) Township Prosecutor for a one (1) year term commencing January 1, 2008 and expiring December 31, 2008.

Mr. Prasad nominated Steven D. Rothblatt for Township Prosecutor for a one (1) year term commencing January 1, 2008 and expiring December 31, 2008.

Mr. Mettler moved nominations be closed. Said motion was seconded by Mr. Glicklich and carried unanimously upon voice vote.

There being only one nomination, Steven D. Rothblatt was appointed Township Prosecutor by unanimous acclamation and the Oath of Office was administered to Mr. Rothblatt.

**NOMINATIONS FOR ONE (1) TOWNSHIP PROSECUTOR – ONE-YEAR TERM – 01/01/08  
TO 12/31/08**

Mayor Levine called for nominations for a second Township Prosecutor for a one (1) year term commencing January 1, 2008 and expiring December 31, 2008.

Mr. Prasad nominated Hector Rodriguez for Township Prosecutor for a one (1) year term commencing January 1, 2008 and expiring December 31, 2008.

Mr. Mettler nominated Frank Blandino for Township Prosecutor for a one (1) year term commencing January 1, 2008 and expiring December 31, 2008.

Mr. Mettler moved nominations be closed. Said motion was seconded by Mr. Glicklich and carried unanimously upon voice vote.

The nomination for a second Township Prosecutor carried as follows upon call of the roll:

<u>RODRIGUEZ</u>		<u>BLANDINO</u>
Danile	Eberle	Levine
Francois	Glicklich	Mettler
Prasad	Sumter	
Vassanella		

Mayor Levine declared Hector Rodriguez appointed as second Township Prosecutor.

**NOMINATIONS FOR PUBLIC DEFENDER – ONE (1) YEAR TERM – 01/01/08 TO 12/31/08**

Mayor Levine called for nominations for Township Public Defender for a one (1) year term commencing January 1, 2008 and expiring December 31, 2008.

Mr. Prasad nominated Dennis Auciello.

Mr. Glicklich moved nominations be closed. Said motion was seconded by Mr. Prasad and carried unanimously upon voice vote.

There being only one nomination for this position, upon a motion made, seconded and agreed, Dennis Auciello was appointed Public Defender by unanimous acclamation.

**NOMINATIONS FOR BOND COUNSEL – ONE (1) YEAR TERM - 01/01/08 TO 12/31/08**

Mayor Levine called for nominations for Bond Counsel for a one (1) year term commencing January 1, 2008 and expiring December 31, 2008.

Mr. Prasad nominated Cheryl Oberdorf, of Wilentz, Goldman & Spitzer.

Mr. Mettler nominated John Drakowitz.

The nomination for Bond Counsel carried as follows upon call of the roll:

<u>OBERDORF</u>		<u>DRAKOWITZ</u>
Danile	Eberle	Levine
Francois	Glicklich	Mettler
Prasad	Sumter	
Vassanella		

Mayor Levine declared Cheryl Oberdorf appointed as Bond Counsel.

**BOARD AND COMMISSION APPOINTMENTS**

**Planning Board**

***Class IV Member for a four-year term ending December 31, 2011***

Mayor Levine called for nominations for One (1) Class IV Member of the Planning Board, for a four-year term ending December 31, 2011.

Mr. Prasad nominated Joseph Danielsen.

A motion was made by Mr. Mettler to close nominations. Said motion was seconded by Mr. Glicklich and carried unanimously upon call of the roll.

Mayor Levine declared Joseph Danielsen appointed by acclamation as Class IV Member of the Planning Board, for a four-year term ending December 31, 2011.

***Class IV Environmental Commission Member for a term concurrent with Environmental Commission term***

Mayor Levine called for nominations for One (1) Class IV Environmental Commission Member of the Planning Board, for a term concurrent with Environmental Commission term.

Ms. Francois nominated Dr. Theodore Chase.

A motion was made by Mr. Mettler to close nominations. Said motion was seconded by Mr. Prasad and carried unanimously upon call of the roll.

Mayor Levine declared Dr. Theodore Chase appointed by acclamation upon motion by Mr. Glicklich and seconded by Mr. Mettler as Class IV Environmental Commission Member of the Planning Board, for a term concurrent with Environmental Commission term.

***Class III Member for a one-year term ending December 31, 2008***

Mayor Levine called for nominations for One (1) Class III Member of the Planning Board, for a one-year term ending December 31, 2008.

Ms. Francois nominated Mr. Prasad.

A motion was made by Mr. Mettler, seconded by Mr. Sumter to close nominations. Said motion carried unanimously upon voice vote.

Mayor Levine declared Mr. Prasad appointed by acclamation as Class III Member of the Planning Board, for a one-year term ending December 31, 2008 upon motion by Mr. Glicklich, seconded by Mr. Sumter.

***Class II Member for a one-year term ending December 31, 2008***

Mayor Levine called for nominations for One (1) Class II Member of the Planning Board, for a one-year term ending December 31, 2008.

Mr. Glicklich nominated Maureen Sturgeon. Mr. Prasad seconded by nomination.

A motion was made by Mr. Mettler, seconded by Mr. Glicklich to close nominations. Said motion carried unanimously upon voice vote.

Mayor Levine declared Maureen Sturgeon appointed by acclamation as Class II Member of the Planning Board, for a one-year term ending December 31, 2008.

Mayor Levine announced he would make his Planning Board appointment at the end of the appointments.

**Board of Adjustment**

***Two (2) Regular Members of the Board of Adjustment, each for a four-year term ending December 31, 2011.***

Mayor Levine called for nominations for two (2) regular members of the Board of Adjustment, each for a four-year term ending December 31, 2011.

Deputy Mayor Vassanella nominated Laura Graumann and Dr. Phillip Kramer. He withdrew his nomination of Dr. Kramer and nominated Donald Johnson. Mr. Prasad seconded the nominations.

Mr. Mettler nominated Anthony Mazzola. Mayor Levine nominated Gary Rosenthal.

A brief discussion ensued regarding Mr. Johnson's poor attendance for 2007. Mr. Prasad explained he had a family illness and would now be able to devote his time fully. Deputy Mayor Vassanella spoke of his concern regarding absenteeism and Council's need to revisit the ordinance and set up protocols and a process. He stated they need to know if there is a reason for a prolonged absence. He asked the Township Clerk to provide a list to Council of those board/commission members whose attendance falls below 50%. Mr. Mettler noted there is not a member of the minority party on the Board of Adjustment. Mayor Levine commented on the appointment process and Mr. Johnson's attendance. Mr. Prasad stated that Mr. Johnson had communicated the reason of his absences to Ms. Burke, Secretary to the Board.

The nominations for the two (2) regular members of the Board of Adjustment, each for a four-year term ending December 31, 2011 voted on as follows:

<b><u>GRAUMANN</u></b>	<b><u>JOHNSON</u></b>	<b><u>MAZZOLA</u></b>	<b><u>ROSENTHAL</u></b>
Danile	Danile	Levine	Glicklich
Eberle	Eberle	Mettler	Levine
Francois	Francois		Mettler
Glicklich	Prasad		
Prasad	Sumter		
Sumter			
Vassanella			

Mayor Levine declared Laura Graumann and Donald Johnson as regular members of the Board of Adjustment, each for a four-year term ending December 31, 2011.

***Planning Board Alternate #1 for a two-year term ending December 31, 2009***

A motion was made by Ms. Francois, seconded by Mr. Prasad to amend the agenda to include nominations for Planning Board Alternate #1 for a two-year term ending December 31, 2009. Said motion carried unanimously upon voice vote.

Ms. Danile nominated Gary Rosenthal as Planning Board Alternate #1 for a two-year term ending December 31, 2009. Mr. Mettler seconded the nomination.

Ms. Francois nominated Marvin Coble Planning Board Alternate #1 for a two-year term ending December 31, 2009. Mr. Prasad seconded the nomination.

Both nominations were withdrawn as a result of some confusion as to what appointments were being made.

Mr. Glicklich nominated Mr. Coble Planning Board Alternate #1 for a two-year term ending December 31, 2009. Mr. Mettler seconded the nomination.

Mr. Mettler moved to close nominations. Said motion was seconded by Mr. Prasad and carried unanimously upon voice vote.

Mayor Levine declared Marvin Coble appointed by acclamation as Alternate #1 Member of the Planning Board, for a two-year term ending December 31, 2009.

***One (1) Alternate #1 Member and One (1) Alternate #4 Member of the Board of Adjustment, each for a two-year term ending December 31, 2009.***

Mayor Levine called for nominations for one (1) Alternate #1 Member and one (1) Alternate #4 of the Board of Adjustment, each for a two-year term ending December 31, 2009.

Deputy Mayor Vassanella nominated Dr. Phillip Kramer as Alternate #1 Member of the Board of Adjustment for a two-year term ending December 31, 2009.

Ms. Danile nominated Gary Rosenthal as Alternate #1 Member of the Board of Adjustment for a two-year term ending December 31, 2009.

Deputy Mayor Vassanella nominated Gary Rosenthal as Alternate #4 Member of the Board of Adjustment for a two-year term ending December 31, 2009.

Mr. Mettler nominated Anthony Mazzola as Alternate #4 Member of the Board of Adjustment for a two-year term ending December 31, 2009.

Ms. Francois nominated Anthony Caldwell as Alternate #4 Member of the Board of Adjustment for a two-year term ending December 31, 2009.

The nominations for Alternate #1 and Alternate #4 members of the Board of Adjustment, each for a two-year term ending December 31, 2009 voted on as follows:

<u>ALTERNATE #1</u>		<u>ALTERNATE #4</u>		
<u>KRAMER</u>	<u>ROSENTHAL</u>	<u>ROSENTHAL</u>	<u>MAZZOLA</u>	<u>CALDWELL</u>
Francois	Danile	Danile	Levine	Francois
Glicklich	Eberle	Eberle	Mettler	Glicklich
Levine		Vassanella		Prasad
Mettler				Sumter
Prasad				
Sumter				
Vassanella				

Mayor Levine declared Dr. Phillip Kramer appointed as Alternate #1 and Anthony Caldwell as Alternate #4 of the Board of Adjustment, each for a two-year term ending December 31, 2009.

***Planning Board Class I Member for a one-year term ending December 31, 2008.***

Mayor Levine announced the appointment of Anthony Mazzola as Planning Board Class I Member for a one-year term ending December 31, 2008.

Mr. Daly announced it is an important day for the Township and country. It is the 200<sup>th</sup> anniversary of slave trade. He noted that it took an additional 50 years for slavery to end. He announced the annual Martin Luther King, Jr. Breakfast would be held on January 21, 2008 at the Doubletree at \$20 per person. Tickets can be obtained from the Township Manager, Recreation Department or the Board of Education.

**CONSENT AGENDA**

Upon motion by Mr. Glicklich, seconded by Mr. Sumter, the following Consent Agenda were adopted 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	Mettler			
Prasad	Sumter			
Vassanella				

**Resolution #08-001 Designate Depositories - All Township Funds**

**BE IT AND IT IS HEREBY RESOLVED** that the following named banks shall be Depositories for all Township Funds and the Custodian shall be the Treasurer of the Township of Franklin, County of Somerset and State of New Jersey for the period January 1, 2008 to December 31, 2008:

**BANK OF AMERICA**  
**PNC**  
**OCWEN FEDERAL BANK**  
**YARDVILLE SAVINGS MBIA CLASS**  
**WACHOVIA BANK**  
**NEW MILLENIUM BANK**  
**PRESTIGE STATE BANK**  
**COMMERCE BANK**  
**NEW JERSEY CASH MANAGEMENT FUND**  
**NEW JERSEY ASSET AND REBATE MANAGEMENT PROGRAM**

**BE IT FURTHER RESOLVED** that all disbursements made by check shall be signed by the Mayor or Deputy Mayor and the Chief Financial Officer or Township Treasurer with the following exceptions:

- (1) **EMPLOYMENT PAYROLL DEDUCTIONS**  
**PETTY CASH**  
**STATE UNEMPLOYMENT**  
**WORKERS COMPENSATION**  
**SELF INSURANCE**

which shall be signed by the Chief Financial Officer or Treasurer.

- (2) **PAYROLL**

which shall be signed by the Township Manager.

**Resolution #08-002** Designate Special Depositories

**BE IT AND IT IS HEREBY RESOLVED** that **PNC BANK** shall be the Depositor for the following funds of the Township of Franklin, County of Somerset and State of New Jersey and the Custodian shall be designated as follows for the period January 1, 2008 to December 31, 2008:

<b>DEPARTMENT OF COLLECTOR TRUST FUND</b>	<b>TAX COLLECTOR</b>
<b>MUNICIPAL COURT</b>	<b>COURT ADMINISTRATOR</b>
<b>MUNICIPAL COURT BAIL</b>	<b>COURT ADMINISTRATOR</b>

**Resolution #08-003** Adopt 2008 Cash Management Plan

**WHEREAS**, NJSA 40A:5-14 of the Local Fiscal Affairs Law requires that every local unit shall adopt a "Cash Management Plan" and shall deposit in an interest bearing account, all available public funds pursuant to the plan;

**NOW, THEREFORE, BE IT RESOLVED** that the Township of Franklin, County of Somerset and State of New Jersey, hereby adopts the following "Cash Management Plan" policy to be utilized by the Township of Franklin for the year 2008; and

**BE IT FURTHER RESOLVED** that certified copies of this resolution shall be filed with the Director of the Division of Local Government Services, Township Auditor, Chief Financial Officer of the Township of Franklin (Somerset County).

## **CASH MANAGEMENT PLAN OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, NEW JERSEY**

### **STATEMENT OF PURPOSE**

This Cash Management Plan (the "Plan") is prepared pursuant to the provisions of N.J.S.A. 40A: 5-14 in order to set forth the basis of deposits ("Deposits") and investment ("Permitted Investments") of certain public funds of the Township of Franklin, pending the use of such funds for the intended purposes. The Plan is intended to assure that all public funds identified herein are deposited in interest bearing Deposits or otherwise invested in Permitted Investments herein after referred to. The intent of the plan is to provide that the decisions made with regard to the Deposits and the Permitted Investments will be done to insure the safety, the liquidity, (regarding its availability for the intended purposes), and the maximum investment return within such limits. The plan is intended to insure that any Deposit or Permitted Investment matures within the time period that approximates the prospective need for the funds deposited or invested so that there is not a risk to the market value of such Deposits or Permitted Investments.

#### **I. DEFINITIONS**

"Arbitrage" refers to the rules and regulations governing the issuance of bonds or notes and the reinvestment of the proceeds at higher yield. These regulations are promulgated by the Internal Revenue Service, Regulation 1.103.

"Certificate of Eligibility" is the certification issued by the New Jersey Department of Banking and Insurance, Division of Banking, that a Public Depository is eligible to act as a depository for public funds and qualifies as a participant in the New Jersey Governmental Unit Deposit Protection Act, GUDPA.

"GUDPA" requires a bank that accepts public funds to be a public depository. A "Public Depository" is defined as a state bank, a national bank, a savings bank or association which is located in the State of New Jersey, the deposits of which are insured by the Federal

Deposit Insurance Corporation, and which received or holds public funds on deposit. A local unit may make deposits in, or purchase certificates of deposit from, banks which are located in New Jersey and which meet the requirements of the "GUDPA".

"The New Jersey Cash Management Fund." The New Jersey Division of Investment is authorized pursuant to N.J.S.A. 52-18A-90.4 to establish, maintain and operate, with the approval of the State Investment Council and the State Treasurer, a common trust fund known as the State of New Jersey-New Jersey Cash Management Fund (the "Fund"). The Fund is authorized to accept deposits from all Local Units of government. The Fund is a "common trust" fund pursuant to the statute that created such funds within the jurisdiction of the Division of Investment. According to the enabling legislation, monies of Local Units deposited in the Fund must be invested in obligations and bonds that meet the investment requirements of the statute. These obligations include, among other things, evidences of indebtedness of U.S. corporations. These obligations are less secure than those permitted to

Local Units under the Act. Thus, the Fund is riskier than direct investments in federal securities or GUDPA protected deposits by Local Units.

## II. IDENTIFICATION OF FUNDS AND ACCOUNTS TO BE COVERED BY THE PLAN

A) The Plan is intended to cover the deposit and/or investment of the following funds and accounts of the Township.

- Current Fund
- Grant Fund
- Trust Assessment Fund
- General Trust Fund
- Animal Control Fund
- Unemployment Insurance Trust Fund
- Self Insurance Trust Fund
- Serial Bonds Refunding Trust Fund
- General Capital Fund
- Water Utility Operating Fund
- Water Utility Capital Fund
- Public Assistance Fund
- Bond & Interest Fund
- Affordable Housing Trust Fund
- Open Space Trust Fund
- Acquisition and Preservation of Historical Structures Account
- Green Acres Trust Account
- Employee Payroll Deduction Account
- Payroll Account
- Environmental Impairment Account

Workers Compensation Account  
Warrant Account  
Developers Escrow

B) The Plan is not intended to cover the deposit and/or investment of the following Funds and Accounts of the Township

1. Petty Cash Funds

2. Cash drawn from a Federal Agency under a letter of credit

3. which cash has to be paid out within 5 working days to a vendor.

4. Deposit, retainage, or amounts posted by way of bond, held by the Township for such things as faithful performance, if the Township would be required by law to pay back any interest earned to the provider of the deposit, except where the Township is required by law or court decision to invest the fund.

5. Amounts derived from the sale of bonds or notes, only to the extent that a specific written opinion of counsel states that the earning of (full) interest would result in the bonds or notes being classified as an arbitrage (not Federally Tax Exempt) issue pursuant to federal regulations. To the extent that some interest is allowable, it shall be deposited at the most favorable rate obtainable.

6. DESIGNATION OF OFFICIALS OF THE TOWNSHIP OF FRANKLIN AUTHORIZED TO MAKE DEPOSTS AND INVESTMENTS

The Chief Financial Officer, and The Township Treasurer, (The "Designated Officials") are hereby authorized and directed to deposit and/or invest the Funds referred to in the plan.

7. STANDARDS OF CARE

1. The Designated Officials involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions.

2. The Designated Officials shall disclose any material interests in the financial institutions with which business is conducted and they shall refrain from undertaking personal investment transactions with the same individual with whom business is conducted on behalf of the Township.

3. The Chief Financial Officer, under the direction of the Township Manager, is responsible for establishing and maintaining internal control. The controls should ensure that the assets of the Township are protected from loss, theft, or misuse.

## 8. PROCEDURES FOR THE RECEIPT OF MONIES

### A. Department Procedures

1. A receipt shall be issued in duplicate for all transactions involving the receipt of money. A copy of the receipt shall be given to the paying party and the duplicate shall be maintained by the receiving department. All payments and receipts must be recorded.
2. All monies collected or received from any source by or on behalf of the Township shall be deposited within forty eight (48) hours of receipt to the designated bank pursuant to N.J.S.A. 40A : 5-15.
3. All monies received shall be placed in a secured place until forwarded for deposit.
4. No department, division or agency shall engage in the practice of cashing checks with public funds. Cashing of employee paychecks is prohibited.

### B. Chief Financial Officer (Designated Official)

1. The Chief Financial Officer shall:
  - a. Deposit all monies collected or received from any source by or on behalf of the Township within forty eight (48) hours of receipt to the designated bank pursuant to N.J.S.A. 40A: 5-15.
  - b. Ensure that all monies deposited are in interest bearing accounts.
  - c. Make recommendations of legal public depositories to the Township Council who shall by resolution designate said depositories at the first meeting of the calendar year.
  - d. Ensure that each of the various accounts for which there is a separate bank statement is reconciled with that bank statement by the end of the following month.
  - e. Verify that designated official depositories submit to the Chief Financial Officer a copy of the State of New Jersey, Department of Banking and Insurance, Governmental Unit Deposit Protection Act notification of Certificate of Eligibility, which must be filed semi-annually in the Department of Banking as of June 30<sup>th</sup> and December 31<sup>st</sup> of each year.

9. DESIGNATION OF DEPOSITORIES

The Township Council authorized resolution on January 2, 2007 which designated the following banks and financial institutions as official depositories for the Deposit of all public funds referred to in the Plan, including any certificates of Deposits which are not otherwise invested in "Permitted Investments as provided for in this Plan".

BANK OF AMERICA

PNC

OCWEN FEDERREAL BANK FSB

YARDVILLE SAVINGS MBIA CLASS

WACHOVIA BANK

NEW MILLENIUM BANK

PRESTIGE STATE BANK

COMMERCE BANK

NEW JERSEY CASH MANAGEMENT FUND

NEW JERSEY ASSET AND REBATE MANAGEMENT PROGRAM

10. AUTHORIZED INVESTMENTS

Except as otherwise specifically provided for herein, the Designated Official is hereby authorized to invest the public funds covered by this Plan, to the extent not otherwise held in Deposits, in the following Permitted Investments

1. Bonds or other obligations of the United States of America or obligations guaranteed by the United States of America
2. Government Money Market Mutual Funds
3. Any Obligations that a Federal Agency or a Federal Instrumentality has issued in accordance with an Act of Congress, which security has a maturity date not greater than 397 days from the date of purchase, provided that such obligation bears a fixed rate of interest not dependent on any index or other external factor.
4. Bonds or other obligations of the Local Unit or bonds or other obligations of school districts of which the Local Unit is a part or within which the school district is located.
5. Bonds or other obligations, having a maturity date not more than 397 days from the date of purchase, approved by the Division of Investment of the Department of the Treasury for investment by Local Units.
6. Local Government Investment pools.

7. Deposits with the State of New Jersey Cash Management Fund established pursuant to section 1 of P.L. 1977, c. 281 (C.52:18A-90.4) or
8. Agreements for the repurchase of fully collateralized securities if:
  - a. The underlying securities are permitted investments pursuant to paragraphs "1" and "3" of this subsection a;
  - b. The custody of collateral is transferred to a third party;
  - c. The maturity of the agreement is not more than 30 days;
  - d. The underlying securities are purchased through a public depository as defined in section 1 of P.L. 1970, c.236 (c.17:9-41); and
  - e. A master repurchase agreement providing for the custody and security of collateral is executed.

For purposes of the above language, the terms "Government Money Market Mutual Fund" and "Local Government Investment Pool" shall have the following definitions:

GOVERNMENT MONEY MARKET MUTUAL FUND

An Investment company or Investment Trust:

- a. Which is registered with the Securities and Exchange Commission under the "Investment company Act of 1940," 15 U.S.C. Sec. 80a-1 et seq., and operated in accordance with 17 C.F.R. sec, 270. 2a-7.
- b. The portfolio of which is limited to U.S. Government securities that meet the definition of any eligible security pursuant to 17 C.F.R. sec. 270. 2a-7 and
- c. repurchase agreements that are collateralized by such U.S. Government Securities; and
- d. Which has:
  - (i) Attained the highest ranking or the highest letter and numerical rating of a nationally recognized statistical rating organization; or
  - (ii) Retained an investment advisor registered or exempt from registration with the security and exchange commission pursuant to the "Investment Advisors Act of 1940," is U.S.C. Sec 806-1 et seq., with

experience investing in U.S. Government Securities for at least the most recent past 60 months and with assets under management in excess of \$500 million.

“Local Government Investment Pool”. An investment pool:

- a. Which is managed in accordance with 17 C.F.R. sec. 270.2a-7;
- b. Which is rated in the highest category by a nationally recognized statistical rating organization;
- c. Which is limited to U.S. Government securities that meet the definition of eligible security pursuant to 17 C.F.R. sec. 270.2a-7 and repurchase agreements that collateralized by such U.S. Government securities.
- d. Which is in compliance with rules adopted pursuant to the “Administrative Procedure Act,” P.L. 1968, c.410 (c.52:14B-1 et seq.) by the Local Finance Board of the Division of Local Government Services in the Department of Community Affairs, which rules shall provide for disclosure and reporting requirements, and other provisions deemed necessary by the board to provide for the safety, liquidity and yield of the investments.
- e. Which does not permit investments in instruments that: are subject to high price volatility with changing market conditions; cannot reasonably be expected, at the time of interest rate adjustment, to have a market value that approximates their par value; or utilize an index that does not support a stable net asset value; and
- f. Which purchases and redeems investments directly from the issuer, government money market mutual fund, or the State of New Jersey Cash Management Fund, or through the use of a National or State bank located within this State, or through a broker-dealer which, at the time of purchase or redemption, has been registered continuously for a period of at least two years pursuant to section 9 of P.L. 1967 c.9(C.49:3-56) and has at least \$25 million in capital stock (or equivalent capitalization if not a corporation), surplus reserves for contingencies and undivided profits, or through a securities dealer who makes primary markets in U.S. Government securities and reports daily to the Federal Reserve Bank of New York its position in an borrowing on such U.S. Government securities.

#### 11. SAFEKEEPING CUSTODY PAYMENT

To the extent that any Deposit or Permitted Investment involves a document or security which is not physically held by the Township of Franklin, then such instrument or security shall be covered by all custodial agreements with an independent third party, which shall be a bank or financial institution in the State of New Jersey. Such institution

shall provide for the designation of funds or the Permitted Investments or Deposits. Purchase of any Permitted Investments that involve securities shall be executed by a "delivery versus payment" method to insure that such Permitted Investments are either received by the Township of Franklin or by a third party custodian prior to or upon the release of the Township of Franklin's funds.

X. REPORTING REQUIREMENTS

On the first day of each month during which this Plan is in effect, the Designated Officials referred to in Section IV hereof shall supply to the governing body of the Township of Franklin a written report of any Deposits of Permitted Investments made pursuant to this Plan, which shall include, at a minimum, the following information:

- a. The name of any institution holding funds of the Township of Franklin as a Deposit of a Permitted Investment.
- b. The amount of securities or Deposits purchased or sold during the immediately preceding month.
- c. The class or type of securities purchased or Deposits made.
- d. The book value of such Deposits or Permitted Investment.
- e. The earned income on such Deposits or Permitted Investments. To the extent that such amounts are actually earned at maturity, this report shall provide an accrual of such earnings during the immediately preceding month..
- f. The fees incurred to undertake such Deposits or Permitted Investments.
- g. The market value of all Deposits or Permitted Investments as of the end of the immediately preceding month.
- h. All other information which may be deemed reasonable from time to time by the governing body of the Township of Franklin.

XI. TOWNSHIP AUDITOR

The Township Investment practices (including compliance with N.J.S.A. 40A:5-14) and the agreement for banking services and compensation thereof shall be reviewed by the Township Auditor as part of the annual audit, as required by N.J.S.A. 40A:5-4. Where a conflict exists between this Cash Management Plan and State Statute, the applicable State Statute shall apply.

XII. SURETY BONDS

- a. The Chief Financial Officer and Treasurer shall be covered by surety bonds. During the annual audit, the Township Auditor shall examine said bonds to determine that proper coverage has been obtained.
- b. Staff members of the Chief Financial officer's office other than the Treasurer (See a above) shall be covered by a public employee's faithful performances bond in the minimum amount of \$10,000.

### XIII. TERM OF PLAN

This Plan shall be in effect from January 1, 2008 to December 31, 2008. Attached to this Plan is a resolution of the governing body of the Township of Franklin approving this Plan for such period of time. The Plan may be amended from time to time. To the extent that any amendment is adopted by the Council, the Designated Official is directed to supply copies of the amendments to all of the parties who otherwise have received the copy of the originally approved Plan, which amendment shall be acknowledged in writing in the same manner as the original Plan was so acknowledged.

**Resolution #08-004** Appoint Donna Vieiro as the Public Agency Compliance Officer for Affirmative Action

**WHEREAS**, N.J.A.C. 17:27-1.1 provides that no public work contracts can be awarded nor any monies paid until the prospective contractor has agreed to contract performance which complies with an approved affirmative action program; and

**WHEREAS**, N.J.A.C. 17:27-3.5 provides that each public agency shall annually designate an officer or employee to serve as its public agency compliance officer;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin, County of Somerset, State of New Jersey that Donna Vieiro, Assistant Township Manager be appointed as the Public Agency Compliance Officer for a one-year term ending December 31, 2008.

**Resolution #08-005** Appoint Harshida Pathak as Registrar of Vital Statistics

**BE IT RESOLVED** by the Mayor and Council of the Township of Franklin, County of Somerset, New Jersey, that *Harshida Pathak* is hereby appointed *Registrar of Vital Statistics* for a three-year term ending December 31, 2010.

**Resolution #08-006** Fix Rate of Interest Charged on Delinquent Taxes or Assessments

**WHEREAS**, N.J.S.A. 54:4-67 permits the governing body of each municipality to fix the rate of interest to be charged for non-payment of taxes or assessments subject to any abatement or discount for the late payment of taxes as provided by law; and

**WHEREAS**, N.J.S.A. 54:4-67 has been amended to permit the fixing of said rate of 8% per annum on the first \$1,500. of the delinquency and 18% per annum on any amount in excess of \$1,500. and allows an additional penalty of 6% be collected against a delinquency in excess of \$10,000. on properties that fail to pay the delinquency prior to the end of the calendar year; now

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

1. The Tax Collector is hereby authorized and directed to charge 8% per annum on the first \$1,500. of taxes becoming delinquent after due date and 18% per annum on any amount of taxes in excess of \$1,500. becoming delinquent after due date and if a delinquency is in excess of \$10,000. and remains in arrears beyond December 31st, an additional penalty of 6% shall be charged against the delinquency.
2. Effective January 1, 2008 there will be a ten (10) day grace period of quarterly tax payments made by cash, check or Money Order.
3. Any payments not made in accordance with paragraph two of this resolution shall be charged interest from the due date as set forth in paragraph one of the resolution.
4. A certified copy of the resolution shall be provided by the Municipal Clerk to the Tax Collector, Township Attorney, and Township Auditor for the Township of Franklin.

**Resolution #08-007** Appoint Mark Healey as Municipal Housing Liaison

**WHEREAS**, the Township Council of the Township of Franklin petitioned the Council on Affordable Housing (COAH) for substantive certification of its Housing Element and Fair Share Plan on December 20, 2005; and

**WHEREAS**, the Township of Franklin's Fair Share Plan promotes an affordable housing program pursuant to the Fair Housing Act (N.J.S.A. 52:27D-301, et. seq.) and COAH's Third Round Substantive Rules (N.J.A.C. 5:94-1, et. seq.); and

**WHEREAS**, N.J.A.C. 5:94-7 and N.J.A.C. 5:80-26.1 et. seq., the Township of Franklin is required to appoint a Municipal Housing Liaison for the administration of Franklin Township's

affordable housing program to enforce the requirements of N.J.A.C. 5:94-7 and N.J.A.C. 5:80-26.1 et. seq.; and

**WHEREAS**, the Township of Franklin has amended Chapter 81 entitled, Affordable Housing to provide for the appointment of a Municipal Housing Liaison to administer the Township of Franklin's affordable housing program.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin in the County of Somerset, and the State of New Jersey that Mark Healey is hereby appointed by the Township Council of the Township of Franklin as the Municipal Housing Liaison for the administration of the affordable housing program, pursuant to and in accordance with Sections 81-18 to 81-20 of the Township of Franklin's Municipal Code.

### **ADJOURNMENT**

Motion was made by Mr. Glicklich and seconded by Mr. Prasad to adjourn to the Reorganization Meeting at 4:00 p.m. Motion was carried unanimously. Refreshments were offered at the end of the meeting.

Brian D. Levine, Mayor

Ann Marie McCarthy, Township Clerk

*Approved: As Amended.*

*Dated: February 12, 2008*