

**REGULAR MEETING OF THE TOWNSHIP COUNCIL
TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, NEW JERSEY
OCTOBER 26, 2004**

The Regular Meeting of the Township Council of the Township of Franklin, County of Somerset, New Jersey, held at 475 DeMott Lane, Somerset, was called to order by the Mayor at 7:13 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 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 Regular Meeting would take place at the Franklin Township Municipal Complex at 7:00 p.m. on October 26, 2004. 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 participated in the Salute to the Flag and an invocation led by Councilwoman Ashley-Williams.

CALL TO ORDER

The Township Clerk called the roll.

Present: Ms. Ashley-Williams, Mr. Chivukula; Ms. Danile, Ms. Eberle, Mayor Levine; Deputy Mayor McKenzie; Mr. Regan (arrived at 7:40 p.m.); Mr. Sumter; Mr. Unger

Absent: None

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

MAYOR'S REPORT

Mayor Levine reviewed the usual agenda procedures. He announced that the General Election is Tuesday, November 2, 2004 and the polls are open from 6:00 am to 8:00 pm. He announced that the November 4th Work Session will be held at 8:00 p.m. in the Senior Citizen/Community Center.

Mr. Chivukula announced that the Township received a grant from the Transportation Trust Funds in the amount of \$100,000 for transportation related projects.

Mayor Levine thanked the volunteers for videotaping tonight's meeting for Channel 25. Mayor Levine announced that Franklin Township would not be receiving any doses of flu vaccinations. He stated that if, by some chance, the Township does receive any vaccinations, information will be posted on the webpage and access channel.

DEPUTY MAYOR'S REPORT

Deputy Mayor McKenzie announced he would save his comments until the Council Comments portion of the meeting.

Upon motion by Deputy Mayor McKenzie, seconded by Ms. Eberle, the agenda was amended to include Executive Session item – Property Acquisition. Said motion carried unanimously upon call of the roll.

REVIEW PREPARED AGENDA

Mayor Levine led the following review of the October 26th agenda, as prepared:

Mr. Rainone explained that the Executive Session minutes listed on the agenda are for approval. After his review, at a later meeting, there would be a resolution releasing certain portions of the approved Executive Sessions.

COUNCIL DISCUSSION ITEMS

Stony Brook Millstone Watershed Association (Municipal Quality Assessment

Angela S. Clerico, Environmental Planning Specialist, made the following presentation:

An Introduction to Municipal Assessment Franklin Township

The Stony Brook Millstone Watershed Association

- Over 50 years of protecting and preserving quality within our watershed
- Success requires partnerships with: Residents; Businesses; Municipalities, Schools
- Education on and off the Reserve – Water Quality testing – Citizen involvement – Municipal Assistance

Why Work Together?

- Municipal leaders are tasked with ensuring a high quality of life for their community
- The protection and health relies a great deal on land use laws and policies made at the local level

- Partnership provides for a holistic approach to land use and water quality issues
- We share many of the same goals!

The Municipal Assessment Program

- Local municipalities requesting assistance
- We wanted to provide a comprehensive approach to aid municipalities in developing proactive planning measures to ensure that natural resources are preserved and the necessary regulatory structure established
- Currently the program is free of charge to municipalities within the Watershed

The Municipal Assessment Process

- Understand the Township's vision through surveys and review of plans and ordinances and a tour of the Township
- Create a report that includes continual input from the Township
- Make this report available to all committees and boards and to the public
- Guide and support the Township through implementation

The Municipal Assessment Report

“Taking the Next Step”

- Layout of the report: Executive Summary; Highlights of Your Town; Goals, Current Protection, Options, Did You Know?, Additional Resources
- Resource for current and future boards and committees to use at any time

The Municipal Assessment Implementation

- Options, as laid out in the report, suggest projects for implementation, with assistance of the Watershed Association.
- Examples of implementation projects include:
 - Stream Corridor Ordinance
 - Septic System Education
 - Critical Areas Ordinance

Municipalities in the Program

Assessment Completed: Millstone; Hillsborough; East Amwell

Assessment “In the Works”: Montgomery; Hopewell; Hightstown; East Windsor

Benefits to Franklin Township

- Offer an outside evaluation of how Franklin Township works to protect natural resources and promote a high quality of life
- Provide a regional perspective of watershed management and planning
- Share ideas between municipalities
- Franklin's "Taking the Next Step" report is a guide for implementing projects

The Next Steps

- Receive a formal commitment from the Township to participate in this program
- Identify the point committee that will act as a liaison between the municipality and the Watershed. They will represent the following committees:
 - Township Council
 - Environmental Commission
 - Planning Board
 - Township Administrator
 - ...and any other staff
- Collect the Township's Master Plan, Ordinances, and any other pertinent information.

Mr. Chivukula asked how this assessment ties in with the new stormwater regulations. Ms Clerico replied that the regulations comply with the stormwater regulations and they would provide the education requirements.

At 7:40 p.m., Mr. Regan arrived at the meeting.

Deputy Mayor McKenzie asked of their efforts regarding well water. Ms. Clerico replied they have a model ordinance for community wells and well head protection. She stated that they have information on file regarding groundwater education.

Mr. Daly stated that if it is the consensus of the Council, a resolution would be scheduled for the November 9th meeting memorializing the participation agreement and naming the point committee.

Upon motion by Deputy Mayor McKenzie, seconded by Ms. Ashley-Williams, a resolution would be placed on the November 9th agenda to memorialize the participation agreement and name the point committee in connection with the Stony brook Millstone Watershed Association Municipal Assessment. Said motion carried unanimously upon call of the roll.

Mayor Levine suggested the resolution be a work session item at the November 4th work session.

Millstone Redevelopment Plan

Mr. Daly distributed the following materials to the Township Council for discussion and gave a brief background of the redevelopment plan:

- May 2002 Architectural Resources Survey of 1445 and 1665 Canal Road prepared by A.D. Marble & Company.
- May 31, 2002 letter to Township Council from Environmental Commission regarding Onka Property concerns.
- July 2002 D&R Canal Area Redevelopment Study prepared by Heyer, Gruel & Associates.
- November 19, 2002 letter from Township Manager to Trap Rock Industries regarding two houses owned by Trap Rock at the corner of Canal Road and Old Georgetown Road.
- December 2002 County Historic Preservation Grant between Franklin Township and Somerset County for property located at Block 512, Lot 4.
- January 14, 2003 letter from Drinker Biddle & Heath to Township Manager regarding two houses owned by Trap Rock at the corner of Canal Road and Old Georgetown Road.
- January 21, 2003 letter from Township Manager to Trap Rock Industries regarding two houses owned by Trap Rock at the corner of Canal Road and Old Georgetown Road.
- February 5, 2003 Planning Board resolution recommending the following areas to be determined to be an "Area in Need of Redevelopment": Stavola Study Area (Block 8, Lot 1; Block 9, Lot 1); Laurie Rubber Study Area (Block 60, Lots 12-21; Block 62, Lots 1-3, 7-8, 10); Franklin Inn-Onka Study Area (Block 512, Lot 4 as delineated on the tax map).
- February 21, 2003 letter from Heyer, Gruel & Associates to Marc D. Dashiield, Acting Clerk regarding the redevelopment plan.
- February 25, 2003 Township Council resolution – Determination of D&R Redevelopment Areas as in need of Redevelopment.
- September 2, 2004 Memo from Olga M. Burke, Administrative Officer/Planning Board Secretary regarding the Planning Board's recommendation for the Township Council to endorse the request from the Millstone Valley Preservation Coalition to designate the Millstone Valley as a Special Resource Area in the State Development and Redevelopment Plan.
- October 1, 2004 status report from Heyer, Gruel & Associates regarding the D&R Canal Redevelopment Plan.

Mark Healy, Heyer, Gruel & Associates, stated that they would like to gain direction from Township Council with respect to the nature of public outreach that is to be involved. He noted that their proposal suggested a community outreach meeting held early in the process and intended to gain input from residents of surrounding areas, community and historic preservation leaders regarding their vision for each of the sites.

Mr. Daly recommended that the public meeting be published in the newspaper; posted of the Township's webpage and on the Township's access channel. He stated that the next step after public input to draft a plan to the Planning Board where their would be another hearing. Their recommendations would be forwarded back to Council and an ordinance would be adopted (another public hearing held).

Mr. Regan questioned who would be the redevelopment agency. Mr. Daly replied that since the Township has a redevelopment agency for another area, Council would be the redevelopment agency for this area.

Mr. Chivukula questioned why it has taken so long to get to this point. Mr. Daly replied that grant money was applied for this process to make the least tax impact.

Mayor Levine stated that this would be a discussion item at the November 4th work session.

Weight Restrictions on County Roads

Mr. Daly reported that Council has received recommendations regarding weight restrictions on County Roads from Sergeant Vornlocker. He stated that the next step is to adopt a resolution recommendation to the County that these weight restrictions be placed on County roads.

Upon motion by Deputy Mayor McKenzie, seconded by Ms. Eberle to place a resolution on the November 9th agenda to recommend to the Somerset County Board of Chosen Freeholders to place weight limits on certain county roads throughout Franklin Township. Said resolution carried unanimously.

Amend Pay to Play Ordinance

Mayor Levine announced that the ordinance would be on the November 9th agenda for introduction.

Amend Redevelopment Ordinance

Mayor Levine announced that after some further amendments to the ordinance, it would be on a future agenda.

APPROVAL OF MINUTES

Mayor Levine requested a motion to approve the following executive session minutes: 01/06/04; 02/03/04; 03/02/04; 05/04/04; 06/01/04; 07/06/04; 08/03/04; 09/07/04 and 09/28/04.

Deputy Mayor McKenzie moved the approval of the following executive session minutes: 01/06/04; 02/03/04; 03/02/04; 05/04/04; 06/01/04; 07/06/04; 08/03/04; 09/07/04 and 09/28/04. Said motion was seconded by Ms. Ashley-Williams and carried unanimously upon voice vote. Ms. Danile abstained from the 01/06/04; 02/03/04; 03/02/04; 05/04/04 executive session minutes.

Mr. Rainone explained the approval and release process of executive session minutes.

WARRANTS

Mayor Levine presented warrants in the amount of \$1,092,062.67 for October 26, 2004 for payment:

Read by Mayor Levine:

1	Current	511,545.74
5	Water Operating	405,166.04
4	General Capital	38,619.84
18	Self Insurance Trust	2,722.42
21	Recreation Trust	85.92
12	Open Space Trust	24,582.25
2	Grant	16,559.58
3	Collector Trust	91,033.93
14	Dog Revenue	970.20
13	Redevelopment Agency	776.75
	SUB-TOTAL	1,092,062.67
	GRAND TOTAL	1,092,062.67

Deputy Mayor McKenzie moved that the following warrants be paid in the amount of \$1,092,062.67 for October 26, 2004. Said motion was seconded by Mr. Sumter and carried as follows upon call of the roll:

Roll Call:	<u>Ayes</u>	<u>Ayes</u>	<u>Nays</u>	<u>Abstain</u>	<u>Absent</u>
	Ashley-Williams	Chivukula			
	Danile	Eberle			
	Levine	McKenzie			
	Regan	Sumter			
	Unger				

ORDINANCES – PUBLIC HEARING

Ordinance No.3498

Mayor Levine offered the following ordinance:

AMEND TOWNSHIP CODE CHAPTER 3, ADMINISTRATION OF GOVERNMENT TO INCLUDE DIVISION OF GRANT ADMINISTRATION; DEPARTMENT OF ECONOMIC DEVELOPMENT AND DEPARTMENT OF INFORMATION TECHNOLOGY.

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

A motion was made by Deputy Mayor McKenzie to open the public hearing on the aforesaid ordinance. Said motion was seconded by Ms. Ashley-Williams and carried unanimously upon voice vote.

There being no comments from the public, a motion was made by Deputy Mayor McKenzie to close the public hearing on the aforesaid ordinance. Said motion was seconded by Ms. Ashley-Williams and carried unanimously upon voice vote.

A motion was made by Mr. Chivukula to adopt the ordinance on final passage and publication in accordance with law. Said motion was seconded by Ms. Eberle.

Mr. Regan questioned the qualifications for the Economic Development Director. He stated that a degree or certification requirement is missing. Mr. Daly stated that the description listed in the ordinance came from the job description.

Mr. Regan recommended that “associate degree” be removed from the Information Technology Director education requirement.

Upon motion by Mr. Regan, seconded by Mr. Chivukula to remove “associate degree” from the Information Technology Director education requirement in the ordinance.

Ordinance No. 3498 was adopted, as amended, upon call of the roll:

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

PUBLIC DISCUSSION

A motion was made by Mr. Chivukula to open the meeting for public discussion. Said motion was seconded by Mr. Regan and carried unanimously upon voice vote.

Mark Else, 15 Buttonwood Drive, spoke of the East Millstone National Historic District that was created twenty (20) years ago and that designation of the Franklin Inn. He spoke of the used bookstore and the zoning violations on the property. He stated the owners are not interested in the historic value of the building and he supported the redevelopment of the area.

Barbara Lawrence, 383 South Middlebush Road, Friends of the Library, thanked Council for their support of the phone-a-thon. She invited Council members to a meeting to see how public libraries are vibrant to communities. She gave public library statistics.

Al Garten, 15 Deleon Circle, stated that when he bought his home 12 years ago, it was by a farmer's field. He stated that the new Stop and Shop has been built there. He asked why he was not noticed as a courtesy. He stated there is noise from delivery trucks. He stated that he has called the Police six (6) times. He asked what is going to be done regarding the delivery trucks; increased traffic and the people walking in the area. He stated that his property value has decreased and it won't be considered in the assessment for years. He asked that the Tax Assessor come to his home to adjust his assessment. Mr. Daly stated that Council is looking into providing greater notification to residents regarding such matters.

Chip Hoever, 9 Stallion Court, 68 Veronica Avenue, spoke of Deputy Mayor McKenzie's campaign brochure and how he helped bring supermarkets to the Township. He asked Deputy Mayor McKenzie for clarification.

Grace Evans, 38 Crown Road, stated she sent an email to the Mayor requesting his information of how taxes increased over the last eight (8) years. She reminded all that one person cannot cause an increase in taxes when there are nine (9) members of Council.

Ms. Evans reviewed the following information she received from municipal records:

- The municipal tax portion of the tax bill is 17%.
- In 2004, the municipal portion of her tax bill was \$1244 (15.8% of her bill)
- In 1994, the municipal portion of her tax bill was \$753.
- Over the last 8 years, the municipal portion of her tax bill increased by \$493 - \$61 per year.
- Over the last 8 years, the population of the Township has increased by 38%.

Harold Leventhal, 360 DeMott Lane, gave a brief background of the late, John Grosso. He spoke of the appointment of Robert Mettler to the Planning Board by the Mayor and the

failure to reappoint Diana Herman to the Library Board. Mr. Leventhal stated that since the Mayor opposed the Library addition, he should not attend the ribbon cutting ceremony.

John McConville, 5 Stone Leigh Way, asked what the \$100,000 transportation grant is going to be used for. Mr. Daly replied it is going to be used for various road projects.

Mr. McConville stated he was confused by the redevelopment plan presentation. Mr. Daly replied that redevelopment plan involves the historic preservation of East Millstone and the Canal Road study. Mr. McConville suggested it be called something other than redevelopment plan.

Mr. McConville questioned Ordinance No. 3498 and asked if the three (3) positions already exist. Mr. Daly replied in the affirmative.

Mr. McConville stated that he is disgusted with the conduct of the last several meetings.

Gayle Caldwell-Ling, 38 Booker Street, stated she received flyers from the democratic candidates. She criticized the flyers and asked what they were going to do for the residents of Block 123.

Shirley Pietrucha, 49 9th Street, thanked the volunteers for videotaping the meeting. She asked that a free copy of each meeting tape be provided to the Library for circulation. Ms. Pietrucha disagreed with public limited topics and stated that would be in violation of the open public meetings act. Ms. Pietrucha spoke of the Ward 2 campaign literature. She stated that the history of increasing taxes can be found on the Township's website in the January 25th Council Retreat Minutes. Ms. Pietrucha expressed her gratitude to Mr. Unger for serving as Ward 2 Councilperson since January.

Phil Kramer, 429 Canal Road, TUF, asked what would be appropriate or inappropriate topics to be discussed at Council meetings. He stated that the public has the right to speak on any topic of concern. He stated that he sent invitations by email to the candidates to provide their comments on the TUF website. He stated he did not received any response from Deputy Mayor McKenzie and Ms. Danile.

Robert Von Zumbusch, Kingston, supported the proposed Millstone Redevelopment Plan and the national registered sites.

Robert Mettler, 2303 Amwell Road, East Millstone, asked for support in the preservation of a burial ground in East Millstone. He asked if the Township could find out if the State would help with the restoration or repair of the area to preserve history.

Courtney Throckmorton, 591 Somerset Street, gave his opinion of redevelopment and eminent domain and asked Council to think of more creative ways to regulate their land use ordinances.

Jan Broeke, 2346 Amwell Road, supported open space preservation and Mr. Mettler's request regarding the burial grounds.

Jacqueline Berry, 31 Camner Street, spoke of the democratic flyer. She asked for the status of Block 123. She stated that she has heard nothing. She recommended background checks for Council members. She thanked Mr. Unger, Mayor Levine and Mr. Chivukula for their support. She stated that she was disappointed with Deputy Mayor McKenzie and Ms. Ashley-Williams and they would be held accountable. She stated that Council members should take oaths and be held accountable.

Ms. Ashley-Williams announced that a meeting has been scheduled in November for the Block 123 residents and one in December for all property owners in the redevelopment area.

Charlene Nagy, Churchill Avenue, stated that Molecuwire should not be in a residential area and it should not be allowed to continue to operate. Mr. Rainone replied that the plant has been closed and will remain closed until they area in compliance.

Mr. Daly replied to Mr. Mettler's request regarding the burial grounds. He stated he would follow up on the noise issue regarding the Stop and Shop.

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

COUNCIL COMMENTS

Mr. Regan stated he would follow up with the Redevelopment Agency and Block 123.

Mr. Unger announced that Shirley Pietrucha secured the plants for the Food Bank garden. He announced that work continues on the Veterans Memorial and the dedication may be a week later. He stated that he would take part in testing the sound system at the Senior Center to see if it can be fixed before spending \$21,000 on a new system.

Ms. Eberle supports the preserving of historical houses and the barracks. She requested that the historical value not be destroyed when making handicap improvements.

Ms. Danile stated that her objective is not to increase taxes. Ms. Danile stated that Mr. Kramer has implied Council doesn't want to listen to the public that is not true. Ms. Danile stated the same conduct has been occurring meeting after meeting with different political agendas that have become destructive and not helpful.

Mr. Sumter agreed that Council should continue to follow up with Block 123. He reminded everyone to vote on Tuesday.

Ms. Ashley-Williams stated that all Council members are sworn in and she takes her oath very seriously. She reminded everyone that the meetings are recorded and she thanked the volunteers for all their work.

Ms. Ashley-Williams stated that she serves with Mayor Levine on the Redevelopment Agency and she would be reporting every month on the actions of the Redevelopment Agency. She reported that a Business Subcommittee was formed in September. They will be meeting in December and making a report in January. The subcommittee consists of Kimberly Francois, Chair, Michael Giannotto and Mayor Levine. She reported that that a meetings with residents in Block 123 would be scheduled in November and a meeting would be scheduled in December for everyone affected in the Redevelopment Area.

Mayor Levine stated he voted for the budget last year. He stated that he always proposes cuts. He stated he is not personally against the Library and not against the initial expense of the Library. He voted against the additions. He stated he would be honored to attend the ribbon cutting ceremony. He wished luck to all the candidates and encouraged everyone to vote.

ORDINANCES – INTRODUCTION

Ordinance No. 3503

Mayor Levine presented the following ordinance:

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 169, NUISANCES, SECTION 169-6 – NUISANCES DEFINED AND PROHIBITED (REPEAL SUBSECTION 169-6 (A)) which is presented to the Township Council for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on November 23, 2004 at 7:00 p.m..

The aforesaid ordinance was moved by Mr. Chivukula and seconded by Mr. Regan. Said motion carried as follows upon call of the roll:

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

Ordinance No. 3504

Mayor Levine presented the following ordinance:

AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, AUTHORIZING ACCEPTANCE OF DEED DEDICATION – NEW BRUNSWICK ROAD – EUGENE RURKA - BLOCK 507.37/LOT 6 which is presented to the Township Council for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on November 23, 2004 at 7:00 p.m..

The aforesaid ordinance was moved by Mr. Chivukula and seconded by Mr. Regan. Said motion carried as follows upon call of the roll:

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

CONSENT AGENDA

Mr. Chivukula moved, seconded by Ms. Ashley-Williams, to adopt the following Consent Agenda Items 15 a-w (not u) as amended:

Mr. Regan asked for clarification regarding resolutions reduction of performance guarantees, Mr. Rainone explained that according to Land Use Law performance guarantees are submitted to guarantee performance and as the project progresses portions of the guarantee are reduced. It is not totally released until the project is completed.

Mr. Regan asked for clarification for the resolution awarding a contract for a copier. Mr. Daly replied this copier is in the Animal Shelter and was not part of the prior copier contract.

Resolution #04-463 Awarding Somerset County Cooperative Bid for ice control salt to Atlantic Salt, Inc. at \$42.96 per ton delivered in an amount not to exceed \$75,000.00.

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

VENDOR:

ATLANTIC SALT
 130 Plain Street Lowell MA 01851
Somerset County #2-SOCCP

ITEMS: Ice control salt

COST: An amount not to exceed \$75,000.00

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

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

BE IT FURTHER RESOLVED that continuation of the terms of this contract is contingent upon availability of funds in the FY2005 Budget, and in the event of unavailability of such funds, the Township of Franklin reserves the right to cancel this contract

Resolution #04-464 Amend Contract with Cigna Dental Plan for employee dental insurance from \$1,609.08 to \$5,000 as a result of increased participants in the plan.

WHEREAS, on August 10, 2004, the Franklin Township Council adopted Resolution #04-385 which authorized the purchase of Cigna Dental for FY2005 Dental Insurance Policy in an amount to exceed \$1,609.08; and

WHEREAS, as a result of increased in participation in the Cigna Dental Plan there is a need to increase the amount authorized by \$3,390.92, new total amount - \$5,000.00; and

WHEREAS, the Township of Franklin desires to amend purchase items as follows which are exempt from the bidding requirements of the Local Public Contracts Law and meeting the requirement of an Extraordinary Unspecifiable Service (**NJSA 40A:11-5(m)**):

VENDOR: Cigna Dental

ITEM: Dental Insurance - Township Employees

COST: Additional \$3,390.92 – New Total \$5,000.00 for the period July 1, 2004 to June 30, 2005

WHEREAS, the Chief Financial Officer has certified 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, County of Somerset that the above purchase be authorized subject to the following provisions:

- (1) This contract is awarded without competitive bidding as a exemption under the provisions of the Local Public Contracts Law, NJSA 40A:11-5(1)(m).
- (2) 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.
- (3) 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 contract authorized herein.
- (4) 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 contract authorized herein.

Resolution #04-465

Authorize Release of Street Opening Escrow Deposits

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

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

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

<u>Name/Address</u>	<u>Permit #</u>	<u>Location</u>	<u>Deposit/Surety</u>
E. Hammer Design Group Inc. 12 Lindbergh Lane Succasunno, NJ 07876	6088	80 Lafayette Avenue	\$300.00/\$300.00

Hale Build 60 Mark Street Somerset, NJ 08873	6089	635 Pierce Street	\$300.00/\$300.00
William Giraldi 815 Frech Avenue Manville, NJ 08835	6286	442 Equator Avenue	\$300.00/\$300.00
PM Construction Corp. 1310 Central Avenue Hillside, NJ 07205	6305	33 Bedford Road	\$300.00/\$300.00
C Tec Cable System 279 Amwell Road Hillsborough, NJ 08844	5473	125 Belmont Drive	\$300.00/\$300.00
Milick-Tully 117 Canal Road South Bound Brook, NJ 08880	6005	Belmont Drive 6 Borings	\$300.00/\$300.00
Verizon (Bell Atlantic) 445 Georges Road North Brunswick, NJ 08902	5610	130 Belmont Drive	\$300.00/\$300.00
Leslie Graham PO Box 822 Plainfield, NJ 07060	6300	136 Burns Street	\$300.00/\$300.00

Resolution #04-466

Award State Contract to Edmunds & Associates for utility billing and collection, finance and purchasing for the period of January 1, 2005 to December 31, 2005 in an amount not to exceed \$18,820.00.

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 & Associates, Inc.**
301A Tilton Road
Northfield, NJ 08225

State Contract No. A81201

ITEMS: Utility Billing & Collection, Finance & Purchasing

COST: \$18,820.00

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 #04-467 Award Somerset County Cooperative Bids for natural gas to South Jersey Energy for the period of November 1, 2004 to October 31, 2006 in an amount not to exceed \$108,000.00.

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

VENDOR:

South Jersey Energy
One Jersey Plaza, Folsom, NJ 08037
Somerset County CC-3-04

ITEMS: Natural Gas

COST: An amount not to exceed \$108,000.00 for two year period.

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

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

BE IT FURTHER RESOLVED that continuation of the terms of this contract is contingent upon availability of funds in the FY2005 Budget, and in the event of unavailability of such funds, the Township of Franklin reserves the right to cancel this contract

Resolution #04-468

Proposing designation of Millstone Valley as a Special Resource Area within the State Development and Redevelopment Plan, 2004 Update.

WHEREAS, the area under consideration lies entirely within Somerset County, in the multiple jurisdictions of Montgomery, Franklin, Hillsborough Townships, Millstone and Rocky Hill Boroughs and the D&R Canal Commission; and

WHEREAS, the Millstone Valley is of considerable historic significance, is totally within the proposed Crossroads of the American Revolution National Heritage Area, where it is one of the essential sites, and the roads in the Valley are a section of the Washington – Rochambeau Trail. The main historic districts and sites being:

- Historic Delaware & Raritan Canal (National Register 11 May, 1973)
- King’s Highway, Upper Road/Lincoln Highway Historic District (N.R. 2000)
- Kingston Village Historic District (560 acres, 90 buildings, N.R. 1990)
- Kingston Mill Historic District (490 acres, 16 buildings, 2 structures, N.R. 1986)
- Rockingham (N.R. 18 Dec. 1970) (an essential site in proposed Crossroads NHA)
- Rocky Hill Historic District (1760 acres, 133 buildings, N.R. 8 July 1982)
- River Road Historic Rural District (5900 acres, 53 buildings, 15 structures, N.R. 1992)
- Millstone Valley Agricultural District (5730 acres, 28 buildings, 5 structures, N.R. 1977)
- Millstone Historic District (800 acres, 58 buildings, N.R. 1976)
- East Millstone Historic District (620 acres, 109 buildings, N.R. 1983)
- Six Mile Run Historic District (64,450 acres, 149 buildings, 44 structures, N.R. 1995)
- Griggstown Historic District (8,610 acres, 68 buildings, N.R. 1984);

and

WHEREAS, the Millstone Valley is of considerable environmental significance, with the D&R Canal Park, Colonial Park, Hutcheson Memorial Forest, Griggstown Preserve and other parks, flood plains and buffers, preserved open space and land in farmland preservation; and

WHEREAS, the D&R Canal Park and Historic District has already been suggested as an “Area of Critical State Concern” in an earlier draft (June 1997, pp. 171-172) of the State Development and Redevelopment Plan; and

WHEREAS, a 25-mile segment of roads within the Millstone Valley has been designated as a Scenic Byway by NJDOT (2001) and appears as such on the USDOT website of scenic byways; River Road and Canal Road are designated Scenic Roadways in the Somerset County Last Plan; River Road in Montgomery is a historic district in Montgomery’s Master Plan; River Road in Hillsborough is a historic district in the Hillsborough Master Plan; Canal Road in Franklin is a historic district in the Franklin Master Plan, This scenic byway is composed almost

entirely of 10 historic districts and 1 historic site all listed on the State and National Registers of Historic Places; and

WHEREAS, the Millstone Valley and the D&R Canal Park is the source of considerable recreational activity – biking, hiking, canoeing, horseback riding, bird watching, historic tourism and education; and

WHEREAS, the Millstone Valley is the flood plain of the Millstone River and heavy rainfalls cause roads and bridges to be closed, limiting access, mobility and emergency services. Existing and additional development upstream, including the headwaters of the Millstone River, increased the likelihood of flooding in the Millstone Valley. Any development up and downstream affecting the Millstone Valley should be subject to a comprehensive storm water analysis based on its regional impacts; and

WHEREAS, the Millstone Valley continues to be threatened by encroaching development and traffic generated outside the Millstone Valley, regional planning becomes essential. Regional problems require regional responses; and

WHEREAS, the proposed limits of the area of the Millstone Valley considered under this resolution are multi-jurisdictional and defined by a compilation of the scenic byway, flood plains and buffers, preserved open space, land in farmland preservation, wildlife corridors, recreational areas, historic sites and districts, cemeteries, parks, the D&R Canal Park and historic battlefields;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset, New Jersey that they hereby endorse the Millstone Valley as defined above, be designated a Special Resource Area within the State Development and Redevelopment Plan. It would seem that this is precisely the kind of area, because of its unique characteristics that would be appropriate for this designation.

Resolution #04-469 Authorize transfer of unrefunded bails to Township Treasurer.

WHEREAS, there exists on the books of the general account of the Municipal Court Violations Bureau overpayments that were not able to be refunded for the year;

NOW, THEREFORE, BE IT RESOLVED that the following bails in the amount of \$738.00 hereby be turned over to the township Treasurer:

Name	<u>Receipt No.</u>	<u>Amount</u>
Jaheim H. Hoagland	G 113761	211.00
Dariusz Wojtowicz	F 095641	77.00
Felipe Aparicio	SC01-2785	200.00
Gregorio Alonzo	SC03-4392	150.00

Michael A. Gonzalez	W01-393	100.00
	Total	\$738.00

Resolution #04-470 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: June 13, 2002
Block/Lot: 34.08/54.01 C4211
Name & Address: 243 Rachel Court
Franklin Park NJ 08823
Amount: \$800.03
Make Check Payable To: Mooring Tax Asset Group, LLC
PO Box 281856 Atlanta GA 30384-1856
Certificate No.: 020026
Payment Received: September 28, 2004

Date of Sale: June 13, 2002
Block/Lot: 85/56.03 C0237
Name & Address: Francis, Conrad
237 Kingsberry Drive
Somerset NJ 08873
Amount: \$875.32
Make Check Payable To: James C. Older
87 East Mountain Road Hillsborough NJ 08844
Certificate No.: 020052
Payment Received: September 28, 2004

Date of Sale: June 7, 2001
Block/Lot: 92/1
Name & Address: Cupano, Todd M.

73 Hillcrest Road, #2
 Whitehouse Station NJ 08889
Amount: \$1,202.32
Make Check Payable To: James C. Older
 87 East Mountain Road Hillsborough NJ 08844
Certificate No.: 01-117
Payment Received: October 8, 2004

Date of Sale: April 10, 1997
Block/Lot: 378/10
Name & Address: Earvin, Earnest & Dorothy
 24 Cortland Drive
 Somerset NJ 08873

Amount: \$1,616.40
Make Check Payable To: James C. Older
 87 East Mountain Road Hillsborough NJ 08844
Certificate No.: 97-156
Payment Received: October 4, 2004

Resolution #04-471 Authorize Refund of Tax Overpayments.

WHEREAS, there appears on the books of the Collector of Revenue, refunds due, resulting from Tax Overpayments; and

WHEREAS, refunds are to be made to the persons who have made these overpayments;

NOW, THEREFORE, BE IT RESOLVED that the Township Treasurer of the Township of Franklin, Somerset County, be instructed to draw checks in the amounts covering the overpayments and to deliver said checks to the proper persons.

<u>BLOCK/LOT</u>	<u>NAME/ADDRESS</u>	<u>QTR/YR</u>	<u>AMOUNT</u>
74.05/7	EILEEN SCOTT	4/04	564.59
74.01/7	49 Woodbridge Avenue Highland Park NJ 08904	4/04 Sold to Township Overpaid their Portion	2,008.08
93/35	BURTON, LUTHER & BERTHA 181 DelMonico Avenue Somerset NJ 08873	'3/04 Tax Exempt	33.40
222/4	BYRD, SIDNET 179 Matilda Avenue Somerset NJ 08873	2/04 '3/04 Tax Exempt	48.59 1,030.83

386.18/67	COUNTRYWIDE TAX SERVICE	4/04	
	MS:SV-24 PO Box 10211	Paid on	1,068.86
	Van Nuys CA 91499-6089	Wrong	
		Account	
399/4	MALKIEWICZ, FRANK & KATHLEEN	4/04	1,348.67
	29 Hughes Road Somerset NJ 08873	Tax Exempt	

Resolution #04-472 Authorize Performance Guarantee Reduction to Somerset County Action Program – Docket No. PLN2002-0021 - \$336,261.89 to be replaced with reduced bond of \$221,400.00.

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

ITEM: PERFORMANCE BOND – CASH DEPOSIT

NAME OF APPLICANT: **SOMERSET COUNTY ACTION PROGRAM**
C/o Isaac L. Dorsey, Executive Director/Head Start Director

ADDRESS OF APPLICANT: 429 Lewis Street PO Box 189
Somerset NJ 08873

NUMBER: Check No. 5922

INSURANCE COMPANY: First Union Bank

IN THE AMOUNT OF: \$336,261.89

FOR: Site Improvements for Docket No. PLN2002-0021; Block 528.06/Lot 5.07, 113 Belmont Street; and

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

WHEREAS, the Township Engineer, after inspection, recommends reduction of the aforesaid Performance Guarantee;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, Somerset County, New Jersey that the aforesaid Performance Guarantee be reduced in the amount of \$221,400.00 and the Township Treasurer is hereby authorized to reimburse the above named applicant in the amount of \$114,861.89 by check.

Resolution #04-473 Authorize Performance Guarantee Reduction to Princeton Highlands Developers LLC – Section V – Docket No. PLN2001-0004 - \$574,200.00 to be replaced with reduced bond in the amount of \$172,240.00.

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

ITEM: PERFORMANCE GUARANTEE

NAME OF APPLICANT: **PRINCETON HIGHLANDS DEVELOPERS, LLC
SECTION V**

ADDRESS OF APPLICANT: 820 Morris Turnpike Short Hills NJ 07078

NUMBER: BE2617954

INSURANCE CO./BANK: Gulf Insurance Company
110 West "A" Street #1805 San Diego CA 92101

IN THE AMOUNT OF: \$574,200.00

FOR: Site Improvements for Docket No. PLN2001-0004 – Block 11.01/Lot 13.01, Route 27/South Bunker Hill Road; and

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

WHEREAS, the Township Engineer, after inspection, recommends reduction of the aforesaid Performance Guarantee;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the aforesaid Performance Guarantee be released upon receipt of a reduced performance guarantee in the amount of \$172,260.00.

Resolution #04-474 Authorize Performance Guarantee Reduction to Princeton Highlands Developers, LLC – Section VI – Docket No. PLN2001-004 - \$366,900.00 to be replaced with a reduced bond in the amount of \$110,070.00.

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

ITEM: PERFORMANCE GUARANTEE

NAME OF APPLICANT: **PRINCETON HIGHLANDS DEVELOPERS, LLC
SECTION VI**

ADDRESS OF APPLICANT: 820 Morris Turnpike Short Hills NJ 07078

NUMBER: BE2617955

INSURANCE CO./BANK: Gulf Insurance Company
110 West "A" Street #1805 San Diego CA 92101

IN THE AMOUNT OF: \$366,900.00

FOR: Site Improvements for Docket No. PLN2001-0004 – Block 11.01/Lot 13.01, Route 27/South Bunker Hill Road; and

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

WHEREAS, the Township Engineer, after inspection, recommends reduction of the aforesaid Performance Guarantee;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the aforesaid Performance Guarantee be released upon receipt of a reduced performance guarantee in the amount of \$110,070.00.

Resolution #04-475 Authorize Performance Guarantee Reduction to Princeton Highlands Developers, LLC – Section VI – Docket No. PLN2001-004 - \$296,000.00 to be replaced with a reduced bond in the amount of \$88,800.00.

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

ITEM:	PERFORAMCE GUARANTEE
NAME OF APPLICANT:	PRINCETON HIGHLANDS DEVELOPERS, LLC SECTION IV
ADDRESS OF APPLICANT:	820 Morris Turnpike Short Hills NJ 07078
NUMBER:	BE2617953
INSURANCE CO./BANK:	Gulf Insurance Company 110 West "A" Street #1805 San Diego CA 92101
IN THE AMOUNT OF:	\$296,000.00

FOR: Site Improvements for Docket No. PLN2001-0004 – Block 11.01/Lot 13.01, Route 27/South Bunker Hill Road; and

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

WHEREAS, the Township Engineer, after inspection, recommends reduction of the aforesaid Performance Guarantee;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the aforesaid Performance Guarantee be released upon receipt of a reduced performance guarantee in the amount of \$88,800.00.

Resolution #04-476 Authorize Performance Guarantee Reduction to Princeton Highlands Developers, LLC – Section III – Docket No. PLN2001-004 - \$701,300.00 to be replaced with a reduced bond in the amount of \$210,390.00.

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

ITEM: PERFORAMCE GUARANTEE

NAME OF APPLICANT: **PRINCETON HIGHLANDS DEVELOPERS, LLC
SECTION III**

ADDRESS OF APPLICANT: 820 Morris Turnpike Short Hills NJ 07078

NUMBER: BE2617952

INSURANCE CO./BANK: Gulf Insurance Company
110 West "A" Street #1805 San Diego CA 92101

IN THE AMOUNT OF: \$701,300.00

FOR: Site Improvements for Docket No. PLN2001-0004 – Block 11.01/Lot 13.01, Route 27/South Bunker Hill Road; and

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

WHEREAS, the Township Engineer, after inspection, recommends reduction of the aforesaid Performance Guarantee;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the aforesaid Performance Guarantee be released upon receipt of a reduced performance guarantee in the amount of \$210,390.00.

Resolution #04-477 Authorize Performance Guarantee Reduction to Princeton Highlands Developers, LLC – Section II – Docket No. PLN2001-004 - \$622,000.00 to be replaced with a reduced bond in the amount of \$186,600.00.

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

ITEM: PERFORMANCE GUARANTEE

NAME OF APPLICANT: **PRINCETON HIGHLANDS DEVELOPERS, LLC
PHASE II**

ADDRESS OF APPLICANT: 3546 State Highway 27 Kendall Park NJ 08824
NUMBER: 3S99114700

INSURANCE CO./BANK: Lumbermans Mutual Casualty Company
Long Grove IL 60049

IN THE AMOUNT OF: \$622,000.00

FOR: Site Improvements for Docket No. PLN2001-0004 – Block 11.01/Lot 13.36, Route 27/Bunker Hill Road; and

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

WHEREAS, the Township Engineer, after inspection, recommends reduction of the aforesaid Performance Guarantee;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the aforesaid Performance Guarantee be released upon receipt of a reduced performance guarantee in the amount of \$186,600.00.

Resolution #04-478 Authorize Performance Guarantee Reduction to Princeton Highlands Developers, LLC – Section Phase – Docket No. P980095F - \$485,000.00 to be replaced with a reduced bond in the amount of \$145,500.00.

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

ITEM: PERFORAMCE GUARANTEE

NAME OF APPLICANT: **PRINCETON HIGHLANDS DEVELOPERS, LLC
PHASE I**

ADDRESS OF APPLICANT: 3546 State Highway 27 Kendall Park NJ 08824
NUMBER: 45024545

INSURANCE CO./BANK: Greenwich Insurance Company
70 Seaview Avenue Stanford CT 06902

IN THE AMOUNT OF: \$485,000.00

FOR: Site Improvements for Docket No. P980095F – Block 11.01/Lot 13, Route 27; and

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

WHEREAS, the Township Engineer, after inspection, recommends reduction of the aforesaid Performance Guarantee;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the aforesaid Performance Guarantee be released upon receipt of a reduced performance guarantee in the amount of \$145,500.00.

Resolution #04-479 Authorize Performance Guarantee Release to Somerset Henry LLC – Docket No. PLN2001-0057 - \$86,706.80 to be replaced with a Irrevocable Letter of Credit in the amount of \$126,400.00.

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

ITEM: IRREVOCABLE (PERFORMANCE) LETTER OF CREDIT

NAME OF APPLICANT: **SOMERSET-HENRY LLC**
 ADDRESS OF APPLICANT: 11 Springfield Avenue Somerset NJ 08873
 NUMBER: 04-003
 INSURANCE CO./BANK: New Millennium Bank
 57 Livingston Avenue PO Box 678
 New Brunswick NJ 08903
 IN THE AMOUNT OF: \$126,400.00

FOR: Completed Site Improvements for Docket No. PLN2001-0057 – Block 171/236 & 237.08, Somerset and Henry Street; and

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

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

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 Cash Performance Guarantee in the amount of \$86,670.54 be released to the above named applicant upon receipt of a reduced irrevocable letter of credit in the amount of \$126,400.00;

BE IT FURTHER RESOLVED that said reduced Irrevocable Letter of Credit has been received by the Township Clerk in the amount of \$126,400.00 and after inspection, the Township Engineer recommends that the Township Council authorize the Township Treasurer issue a check in the amount of \$86,706.80 representing reimbursement to the above named applicant.

Resolution #04-480 Authorize Release of Performance Bond No. 103851917 and Replacement with Check No. 11426 – Pulte Communities NJ, Limited Partnership – Docket No. PLN2001-0045 in the amount of \$1,097,175.50.

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

ITEM: PERFORMANCE BOND

NAME OF APPLICANT: **PULTE COMMUNITIES NJ, LIMITED PARTNERSHIP**

ADDRESS OF APPLICANT: 100 Davidson Avenue, Suite 205
Somerset NJ 08873

NUMBER: Check No. 11426

INSURANCE CO./BANK: Bank of America Customer Connection
Atlanta, DeKalb County GA

IN THE AMOUNT OF: \$1,097,175.60

FOR: Site Improvements for Docket No. PLN2001-0045, Block 468.12/Lot 1.01; Block 507/Lot 3-5, 7, 21, 38-43, 67, 68 – New Brunswick Road and Elizabeth Avenue; and

WHEREAS, the aforesaid applicant has issued Check No. 11426 in the amount of \$1,097,175.60 to replace Performance Bond No. 103851917 and has requested release of the aforesaid Performance Bond; and

WHEREAS, the Township Engineer, after inspection, recommends 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 that the aforesaid Performance Bond No. 103851917 in the amount of \$1,097,175.60 be released to the above named applicant.

Resolution #04-481 Authorize Release of Plan/Building Review Escrow

WHEREAS, the Township of Franklin, Somerset County has received escrow monies for purposes of professional fees incurred for review of and/or testimony concerning an application

for development in accordance with Section 112-29 of the Code of the Township of Franklin; and

WHEREAS, the applications have been withdrawn and the Planning/Zoning Office has certified to the Township Clerk the amount of money deposited in escrow and has recommended that the total balance as set forth be returned to the applicant:

APPLICANT: Piper Holdings, LLC & Apgar Bros., Inc.
 ADDRESS: 200 Apgar Drive, Somerset, NJ 08873
 DOCKET NO: n/a
 BLOCK/LOT: 517.01/3.06
 LOCATION: 200 Apgar Drive
 AMOUNT DEPOSITED: \$3,000.00
 AMOUNT TO BE REFUNDED: \$3,000.00

APPLICANT: Central New Jersey Jewish Home
 ADDRESS: 380 DeMott Lane, Somerset NJ 08873
 DOCKET NO: ZBA 2004-0174
 BLOCK/LOT: 386.07/53.01
 LOCATION: 380 DeMott Lane
 AMOUNT DEPOSITED: \$3,000.00
 AMOUNT TO BE REFUNDED: \$3,000.00

APPLICANT: AT&T Wireless
 ADDRESS: 15 East Midland Avenue, Paramus, NJ 07652
 DOCKET NO: PLN2004-0047
 BLOCK/LOT: 89.03/10.09
 LOCATION: 305 Churchill Avenue
 AMOUNT DEPOSITED: \$3,000.00
 AMOUNT TO BE REFUNDED: \$3,000.00

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the 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 #04-482

Authorize Award of State Contract to Minolta Corporation for photocopier for Animal Shelter for the period of November 1, 2004 to October 31, 2007 (or 3 years from date of delivery) in an amount not to exceed \$1,300.00 over the three-year period.

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: **Minolta Corporation**
 100 Williams Drive
 Ramsey, NJ 07446
 State Contract No. A46622

ITEMS: Photocopier for Animal Shelter

COST: \$1,300 for 3-year period

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 #04-484 Authorize Bingo/Raffle Licenses

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

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

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

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

<u>NAME OF ORGANIZATION</u>	<u>DATE OF RAFFLE/BINGO</u>
St. Matthias Catholic Church/Diocese of Metuchen 168 JFK Boulevard, Somerset, NJ 08873 Off-Premise 50/50 – RL#1459 Drawing: DoubleTree Hotel, Somerset, NJ	April 5, 2005
Sts. Peter & Paul Byzantine Catholic Church	<u>2005 Schedule – Bingo</u>

285 Hamilton Street, Somerset, NJ 08873
BL# 1460 – Drawings: Auditorium

5:00 pm – 11:00 pm

Jan. 6,13,20,27
Feb. 3,10,17,24
March 3,10,17,31
April 7,14,21,28
May 5,12,19,26
June 2,9,16,23,30
July 7,14,21,28
Aug. 4,11,18,25
Sept. 1,8,15,22,29
Oct. 6,13,20,27
Nov. 3,10,17
Dec. 1,8,15,29
Jan. 1, 2005 – 11:00 am – 5:00 pm

BL#1461 – Drawings - Auditorium

Sts. Peter & Paul Byzantine Catholic Church
Rosary Altar Society
285 Hamilton Street, Somerset, NJ 08873
BL#1462
Drawings: Auditorium

2005 Schedule - Bingo

11:00 am – 5:00 pm
Jan. 8,15,22,29
Feb. 5,12,19,26
Mar. 5,12,19
April 2,9,16,23,30
May 7,14,21,28
June 4,11,18,25
July 2,9,16,23,30
Aug. 6,13,20,27
Sept. 3,10,17,24
Oct. 1,8,15,22,29
Nov. 5,12,19,26
Dec. 3,10,17,31
May 30 & Sept. 5, 2005

BL#1463 - Drawings: Auditorium

Rutgers Preparatory School
1345 Easton Avenue, Somerset, NJ 08873
On-Premise 50/50 – RL#1464
Drawing: 1345 Easton Avenue, Somerset

February 26, 2005
7:00 pm – 12:00 pm

Resolution #04-485

Amending Resolution #04-400 that authorizes the Township to pay approximately 20% of the purchase price for the development rights for the Cichowski, Marshall and Middlebush Farm, Inc. Farms and paying approximately 40% of the purchase price for the development of the Harris Farm.

WHEREAS, the Franklin Township Agricultural Advisory Committee (AAC) has previously received an application to sell the non-agricultural development rights from the owner of the following farms:

- The 37.8-acre Cichowski Farm located in Block 85, Lot 22 and located at 100 Bennetts Lane , Somerset, NJ; and
- The 33.6-acre Harris Farm (hereinafter, “the farm”, located in Block 85, Lot 22 and located at 277 Bennetts Lane, Somerset, NJ; and
- The 33.6-acre Marshall Farm, located in block 37.02, Lot 1.01 and located at 91 Cortelyou Lane, Somerset, NJ; and
- The 21.47-acre Middlebush Farms located in Block 85, Lot 14.04 and located at 170 South Middlebush Road , Somerset, NJ; and

WHEREAS, the AAC had previously recommended to the Township Council that the Township fund the necessary costs of acquiring the non-agricultural development rights on the above farms; and

WHEREAS, the Township Council has previously approved a bond resolution for funding the purchase of the development rights on these farms; and

WHEREAS, the Township and the owners of these farms have all agreed upon a price that does not exceed the higher of the two appraised values for each of the farms; and

WHEREAS, the agreed upon price, per-acre for each of these farms is as follows:

- Cichowski, \$19,000 per acre
- Harris, \$30,000 per acre
- Marshall, \$37,510 per acre
- MIDDLEBUSH FARMS, INC., \$42,850 PER ACRE; AND

WHEREAS, the State Agricultural Development Committee (SADC) has certified a per acre fair market value of the non-agricultural development rights for each of these farms as follows:

- Cichowski, \$19,000 per acre
- Harris, \$33,500 per acre
- Marshall, \$37,000 per acre
- Middlebush Farms, Inc., \$38,5000 per acre; and

WHEREAS, the SADC will pay 60% of the certified fair market value for the non-agricultural development rights on these farms; and

WHEREAS, Somerset County will pay 20% of the certified fair market value for the non-agricultural development rights on the Cichowski, Marshall and Middlebush Farms, Inc.-farms; now therefore

BE IT RESOLVED that the Township of Franklin does hereby approve and authorize the purchase price for the non-agricultural development rights on the aforementioned farms and will pay all costs associated with said purchases that are not paid for by either the SADC or the County of Somerset.

Said motion carried as follows upon call of the roll:

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

EXECUTIVE SESSION

Upon motion by Ms. Danile, seconded by Mr. Sumter, the following resolution was adopted as follows upon call of the roll:

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

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 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:

Property Acquisition – Scott Farm

- 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 meeting adjourned to executive session at 9:55 p.m.

At the conclusion of the executive session, the meeting resumed at 10:10 p.m.

ADJOURNMENT

Deputy Mayor McKenzie moved to adjourn the meeting at 10:12 p.m. Said motion was seconded by Ms. Ashley-Williams and carried unanimously upon voice vote.

Brian D. Levine, Mayor

Ann Marie McCarthy, Township Clerk

Approved: *As Submitted.*

Date: *December 14, 2004.*