

**REGULAR MEETING OF THE TOWNSHIP COUNCIL
TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, NEW JERSEY
NOVEMBER 23, 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 87:05 p.m.

Mayor Levine read the following statement: "In accordance with Section 5 the Open Public Meeting 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 November 23, 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 Danile.

CALL TO ORDER

The Township Clerk called the roll.

Present: Ashley-Williams; Chivukula; Danile; Eberle; Levine; McKenzie; Regan; Ritchie (arrived 7:10 pm); Sumter

Absent: No one.

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

Mayor Levine requested that Council Discussion Item 8c regarding a request to release a deed restriction be moved to the beginning of the agenda as a courtesy to the applicant. It was the consensus of the Council to move Council Discussion Item 8c regarding a request to release a deed restriction to the beginning of the agenda.

Request to Release Deed Restriction – Block 287.02/Lot 17.01 (Viking & Rogers Avenues.)

Michelle Tullio, attorney for the applicant, reviewed the applicant's application for a subdivision that would divide an existing property with one house, consisting of tax lots 17.01, 18, 19, 20 and 32.07 in block 287.02 to create a second building lot fronting on Viking Avenue. As presented to the Board, the subdivision would have created one conforming lot, 14,953

square feet, consisting of tax lots 17.01 and 32.07 with the existing house and one non-conforming lot 8,940 square feet, consisting of tax lots 18, 19 and 20. Tax lot 17.01 is a 25-foot sliver at the corner of Viking and Rogers Avenues, which would have little use as part of the lot fronting mainly on Tall Oaks Road. Lot 17.01 would more reasonably be joined with tax lots 18, 19 and 20 to create a more reasonable lot of 10,802.5 square feet, but the lot had been acquired from the Township with a deed restriction stating that it was not to be built on unless as part of a conforming lot. The combination of lots 17.01, 18, 19 and 20 would be a bigger lot, but would be non-conforming because it would now be a corner lot (13,125 square feet required). Therefore lot 17.01 could not be combined with lots 18-20 to create a building lot unless Council lifts the deed restriction. Ms. Tullio reviewed reports presented by staff and the Planning Board that state that they have no objections to the release of the deed restriction.

Mr. Rainone asked if the applicant would still be building a home without the release of the deed restriction. Ms. Tullio replied in the affirmative and noted that nothing would be built on lot 17.01. Mr. Rainone clarified that if lot 17.01 was combined with lots 18-20, it would make the building lot more conforming than it is presently. He stated that a deed of consolidation would be needed. Mr. Rainone asked if the applicant would be amenable to amending the restriction to state that lots 17.01, 18-20 could not be subdivided. Ms. Tullio replied in the affirmative.

Mr. Rainone stated that he would have to work out language for the condition. He stated that an ordinance would have to be prepared for the December 14 meeting with public hearing at the first January meeting. The Township Clerk was directed to prepare a letter to the Planning Board regarding the condition of the release of the deed restriction stating that it is subject to the adoption of an ordinance by Council.

Ms. Danile asked where the frontage would be located. Ms. Tullio showed Ms. Danile on a map where the frontage was, noting that since it is a corner lot, it has three frontages. It was recommended by Council that the frontage of the consolidated lots be on Viking Avenue.

Deputy Mayor McKenzie moved to direct the Township Clerk to prepare a letter to the Planning Board stating the condition of the release restriction subject to the adoption of an ordinance by Council. Said motion was seconded by Mr. Regan and carried unanimously upon voice vote.

TOWNSHIP AWARD

Mr. Daly, Township Manager, reported he attended a ceremony at the League of Municipalities Convention where the Township of Franklin was presented with a Honorable Mention 2004 Environmental Excellence Award from the NJ Department of Environmental Protection in connection with the Township's ecosystem and open space and the partnership with the Township and the Audubon Society in relation to the Griggs Park Greenway. Mr. Daly presented the award to Council.

MAYOR'S REPORT

Mayor Levine reported that he attended the opening of the expanded Stop and Shop. He noted that Councilwoman Ashley-Williams and Councilwoman Eberle were also in attendance.

Mayor Levine reported that he attended the Canal Walk dedication of its clubhouse. He noted that Councilwoman Danile and Councilman Chivukula were also in attendance.

Mayor Levine congratulated Henry Bignell of Boy Scout Troop 195 for his attainment of the Eagle Scout Award.

Mayor Levine read a letter of commendation from Rutgers University for the assistance of Franklin Township Volunteer Fire Companies for their assistance at the fire at Bower Commons.

Mayor Levine announced that the Holiday Tree Lighting Ceremony would be held at 6:00 p.m. on November 30, 2004.

Mayor Levine reported that the recommendation of removing the traffic light at World Fair's Drive as recommended by Somerset County will be discussed at the Council Discussion portion of the meeting. He noted that members of Council should be appointed to the Route 287 Committee. Mayor Levine suggested himself, Councilwoman Eberle and Councilman Chivukula. Mr. Regan offered to be an alternate.

Mr. Chivukula announced that he would be collecting toys for tots for the US Marine Corps. Anyone wishing to make a donation, could bring the unwrapped toys to his office at 888 Easton Avenue.

Mayor Levine wished everyone a Happy Thanksgiving.

DEPUTY MAYOR'S REPORT

Deputy Mayor McKenzie reported that the public meeting held in connection with the Franklin Park water problems was successful. He stated reports were given by the NJ Department of Environmental Protection, the Health Director and the Township Manager. He stated that Council has many decisions to make regarding this issue. He stated that it is important to provide safe drinking water to its citizens and to financially assist those who are required to connect into the Township's water system.

Deputy Mayor McKenzie invited everyone to attend the Dedication of the Veterans Memorial to be held on Saturday, December 4. He commended the outstanding efforts of volunteers, especially Mr. Unger and Mr. MacDonald.

Deputy Mayor McKenzie wished everyone a happy and safe Thanksgiving.

REVIEW OF PREPARED AGENDA

Mayor Levine led the following discussion regarding review of the prepared agenda:

Mayor Levine announced that Consent Agenda Items o-p-q-r have been added to the agenda. He noted that Consent Agenda Item p – Interlocal Services Agreement with the Board of Education for Vehicle Maintenance is an effort to save the taxpayers money by working with the Board of Education.

Consent Agenda Item e: Resolution #04-501 – Authorize Application and Grant Agreement with NJDCA Neighborhood Preservation Balanced Housing Program.

Mr. Regan asked what is the amount of the grant. Mr. Daly replied that he had just received a press release that stated that the NJDCA has awarded a \$125,000 grant to Franklin Township for Hamilton Street Improvements.

Consent Agenda Item g: Resolution #04-503 – Request to Council on Affordable Housing for Extension of Second Round Substantive Certification as per N.J.A.C. 5:91-14.3.

Mr. Regan stated that the first paragraph on the second page of the resolution refers to a proposed schedule. He stated that he did not see one in his packet. Mr. Daly explained that it has not been prepared yet. Ms. Ritchie explained that various documents are required to be submitted with the resolution to COAH by December 13th. She stated that the Township only has one year to petition for the third round certification and the schedules are brief. Mr. Regan asked who would be preparing the documents. Mr. Daly replied Khaliah Stewart.

Mr. Regan stated that he did not see any monitoring fee or development fee monitoring reports. Mr. Daly replied that all the documents would be prepared by December 13 and copies would be forwarded to Council. He explained that this meeting is the only meeting scheduled before December 13th.

Ms. Ritchie requested that this resolution be removed from the Consent Agenda and voted on separately because she has to recuse herself from voting on this resolution.

Mr. Chivukula explained in regards to Consent Agenda Item e that the Township had previously applied for this grant and was turned down. He stated that this program is a multi-year program where the Township is awarded \$25,000 initially and \$100,000 in subsequent years. Mayor Levine expressed the Township's gratitude to Susan Bass Levine, NJ Department of Community Affairs Commissioner for this grant.

Consent Agenda Item d: Appointment of Rozalyn Sherman as Planning Board Class 4 Member for an unexpired four-year term ending December 31, 2004.

Mayor Levine stated that he did not know Rozalyn Sherman or see her resume. Deputy Mayor McKenzie asked if the appointment was longer that until the end of the year. Ms. McCarthy replied that the appointment is for the unexpired term of Nancy Sayre whose term ends December 31, 2004.

Mayor Levine asked again for a resume or background of Ms. Sherman. Mr. Chivukula stated that Ms. Sherman is qualified and he had met her several times during her work with Somerset Run. Ms. Ritchie added that Ms. Sherman is very active in the community and noted that her work with Somerset Run was getting new residents acclimated to the Township.

Mayor Levine stated he would feel more comfortable in voting if he had some information of Ms. Sherman. Deputy Mayor McKenzie stated that he thought he had given the resume to the Township Clerk. He stated he would give it to the Township Clerk for distribution in the next packet. Mayor Levine suggested that the appointment be removed from the Consent Agenda and voted on separately. Deputy Mayor McKenzie replied that there is no reason to remove it from the Consent Agenda, noting that many Council members know Ms. Sherman. Mr. Rainone stated that the appointment could be removed from the Consent Agenda and voted on separately.

Mayor Levine asked Deputy Mayor McKenzie if he meant to imply that it is not important for him to know a prospective appointee. Ms. Danile replied that it would be impossible for the Mayor to know all the individuals personally who are prospective appointees. She stated that he should be able to rely on the input from Council. Mayor Levine stated that he did not mean that he had to know all prospective appointees, he meant that he would have preferred to have had a resume or background of the individual prior to voting on the appointment.

Mr. Chivukula stated that he has asked this type of questions before and suggested that this appointment be removed from the Consent Agenda and voted on separately. Mr. Chivukula stated that it was a misunderstanding that the resume was not placed in the packet.

Mayor Levine clarified that it would be different if it was a mistake not to have the resume in the packet. He stated that the point is that it was not important for him to see the qualifications of this appointee and asked if he should feel free to do the same thing when he makes appointments and not forward the information to Council. Mr. Regan stated that it was a misunderstanding and Deputy Mayor McKenzie meant for the resume to be in the packets.

COUNCIL DISCUSSION ITEMS

"No Peddlers" Ordinance

Mr. Daly reported that he has received complaints that peddlers/solicitors continue to go to homes that have a "No Peddlers" sign posted. He stated that he is working with staff to propose amendments regarding penalties to those peddlers who disregard a "No Peddlers" sign that is posted. Mr. Daly stated that the Township Clerk has provided two sample ordinances from two other municipalities.

Mr. Rainone stated that Point Pleasant has adopted a "No Knock List" that is maintained by the municipality and given to Peddlers when their license is issued.

Mr. Daly stated that the ordinance amendment could provide a condition to the license regarding disregard to a "No Peddlers" sign such as lose of license after so many violations and not being issued any further licenses after so many violations or provide a "No Knock List" provision.

Ms. Ritchie recommended that the Township Manager work with the staff to prepare a proposal and that the Township Manager come back to Council in January or February with the proposal.

Mr. Chivukula cautioned that the "No Knock List" may conflict with the Open Public Records Act regarding privacy issues and cost. Mr. Daly replied that would be an issue that would be researched by staff.

Removal of Traffic Light – World's Fair Drive

Mr. Daly referred to a memorandum from Frank Hasner, Director of Economic Development, Thomas Zilinek, Township Engineer and Sgt. Robert Vornlocker, Police Department regarding the County's request for an endorsement for the elimination of the traffic light at World's Fair Drive and Easton Avenue. They determined that the removal of the traffic light would be an improvement to the overall traffic safety in the area and they recommended support of this proposed improvement. Mr. Daly stated that Sgt. Vornlocker had reported that 45 accidents occurred at this intersection this year.

Mr. Daly reported that a public information meeting would be conducted by the Office of Economic Development and the Police Department Traffic Safety Division to advise the local businesses on World's Fair Drive about potential alternate travel routes. Mr. Daly stated that Mr. Hasner would provide door to door notice of the public meeting to the businesses affected.

Mr. Daly reported that the Engineering Office would investigate funding for improvements to the remainder of Pierce Street to facilitate commuters going north on Route 287 to use Pierce Street to exit 12 on Route 287.

Mr. Chivukula stated that the island at this intersection would no longer be needed when the traffic light is removed. Mr. Daly replied that the island would be reconfigured.

Ms. Ashley-Williams expressed her concerns for the businesses on World's Fair Drive. She asked if this had been discussed with them yet. Mr. Daly replied that Mr. Hasner has not spoken to them yet, but the Council has held a public hearing.

Mayor Levine asked what the County needs from Franklin Township. Mr. Daly replied that the County is requiring a letter of concurrence from Franklin Township prior to proceeding with construction. He stated that he needs to find out the consensus of Council and then would work on preparing a letter with the Township Clerk to the County.

Deputy Mayor McKenzie expressed his concerns that the businesses not being notified prior to the Township's letter of concurrence being sent to the County. He recommended that the letter not be sent until all the businesses have been notified.

Deputy Mayor McKenzie asked if this was discussed by the Route 287 Committee. Mr. Chivukula replied that it had been discussed and is part of the overall recommendation by the Committee.

Ms. Ashley-Williams expressed her understanding that safety comes first, but also expressed his concerns that too many businesses are leaving the Township and those affected need to be notified and involved.

Mr. Regan stated that he travels this road everyday and agreed that it is a dangerous intersection.

Ms. Danile recommended that the Township Manager draft a letter and hold it until the businesses have been notified and a report has been received by the Economic Development Director with feedback from the businesses. After Council has reviewed the report and the letter, they would direct the release of the letter.

Mr. Daly stated that the draft letter and report would be ready for discussion at a Council meeting in January or February.

2005 Township Council Meeting Schedule

Mayor Levine suggested that Council first determine what date Reorganization should be held on 2005. He stated that it has been recommended that Reorganization be changed from January 1st to January 4th (first Tuesday).

Deputy Mayor McKenzie moved that the Reorganization Meeting be changed to Tuesday, January 4, 2005 at 7:30 p.m. Said motion was seconded by Mr. Regan and carried unanimously upon voice vote.

Ms. Ashley-Williams requested that the Council Retreat be scheduled for a later time such as 3:00 p.m. A brief discussion ensued regarding what date the Council Retreat should be. It was the consensus of the Council to determine the date of the Council Retreat at a later date.

Council reviewed and discussed the following memorandum prepared by the Township Clerk dated November 12, 2004 outlining two options in connection with the 2005 Township Council Meeting Schedule:

“Option A is similar to 2004’s schedule with the following modifications:

Reorganization is moved to the first Tuesday (January 4) and combining the Work Session with the first Regular Meeting, resulting in 2 Combination Meetings in January.

In June, there are two Combination Meetings scheduled, one on July 14th and the second on June 30th (Thursday morning meeting). This is to prevent a meeting held the same week as the Primary Election.

In October, the Work Session was moved to Thursday, October 6th because Tuesday, October 4th is Rosh Hashanah.

In November, the Regular Meeting was moved to Thursday, November 10, 2005 because the Primary is Tuesday, November 8th. I would have like to move it to Tuesday, November 15th, but that is the week of the League of Municipalities Convention.

Option B is a totally different design. It takes into account all the same exceptions as Option A, such as Passover, Rosh Hashanah and the Elections, but it eliminates the Work Sessions and combines them with the first Regular Meeting, resulting in two Combination Meetings held each month, except for July, August and December. This type of schedule is conducted in other municipalities, such as Millburn, Hillsborough and Warren.

**2005 PROPOSED
TOWNSHIP COUNCIL MEETING SCHEDULES
OPTION A**

Reorganization	Tuesday, January 4, 2005	@ 8:00 pm
Combination Meeting	Tuesday, January 11, 2005	@ 7:00 pm
<i>Public Hearing on Millstone Redevelopment Area</i>	<i>Tuesday, January 18, 2005</i>	<i>@ 7:00 pm</i>
Combination Meeting	Tuesday, January 25, 2005	@ 7:00 pm
<i>Council Retreat</i>	<i>Sunday, January 30, 2005</i>	
Work Session	Tuesday, February 1, 2005	@ 8:00 pm
Regular Meeting	Tuesday, February 8, 2005	@ 8:00 pm
Combination Meeting	Tuesday, February 22, 2005	@ 7:00 pm
Work Session	Tuesday, March 1, 2005	@ 8:00 pm
Regular Meeting	Tuesday, March 8, 2005	@ 8:00 pm
Combination Meeting	Tuesday, March 22, 2005	@ 7:00 pm
<i>Good Friday</i>	<i>Friday, March 25, 2005</i>	
Work Session	Tuesday, April 5, 2005	@ 8:00 pm
Regular Meeting	Tuesday, April 12, 2005	@ 8:00 pm
<i>Passover</i>	<i>Sunday, April 24, 2005</i>	
Combination Meeting	Tuesday, April 26, 2005	@ 7:00 pm
Work Session	Tuesday, May 3, 2005	@ 8:00 pm
Regular Meeting	Tuesday, May 10, 2005	@ 8:00 pm
Combination Meeting	Tuesday, May 24, 2005	@ 7:00 pm
<i>Primary Election</i>	<i>Tuesday June 7, 2005,</i>	
Combination Meeting	Tuesday, June 14, 2005	@ 7:00 pm
Combination Meeting	Thursday, June 30, 2005	@ 9:00 am
Work Session	Tuesday, July 5, 2005	@ 8:00 pm
Regular Meeting	Tuesday, July 12, 2005	@ 8:00 pm
Work Session	Tuesday, August 2, 2005	@ 8:00 pm
Regular Meeting	Tuesday, August 9, 2005	@ 8:00 pm
Work Session	Tuesday, September 6, 2005	@ 8:00 pm
Regular Meeting	Tuesday, September 13, 2005	@ 8:00 pm
Combination Meeting	Tuesday, September 27, 2005	@ 7:00 pm

<i>Rosh Hashanah</i>	Tuesday, October 4, 2005	
Work Session	Thursday, October 6, 2005	@ 8:00 pm
Regular Meeting	Tuesday, October 11, 2005	@ 8:00 pm
<i>Yom Kippur</i>	Thursday, October 13, 2005	
Combination Meeting	Tuesday, October 25, 2005	@ 7:00 pm
Work Session	Tuesday, November 1, 2005	@ 8:00 pm
<i>General Election</i>	Tuesday, November 8, 2005	
Regular Meeting	Thursday, November 10, 2005	@ 8:00 pm
Combination Meeting	Tuesday, November 22, 2005	@ 7:00 pm
Work Session	Tuesday, December 6, 2005	@ 8:00 pm
Regular Meeting	Tuesday, December 14, 2005	@ 8:00 pm

OPTION B

Reorganization	Tuesday, January 4, 2005	@ 7:00 pm
Combination Meeting	Tuesday, January 11, 2005	@ 7:00 pm
<i>Public Hearing on Millstone Redevelopment Area</i>	Tuesday, January 18, 2005	@ 7:00 pm
Combination Meeting	Tuesday, January 25, 2005	@ 7:00 pm
<i>Council Retreat</i>	Sunday, January 30, 2005	
Combination Meeting	Tuesday, February 8, 2005	@ 7:00 pm
Combination Meeting	Tuesday, February 22, 2005	@ 7:00 pm
Combination Meeting	Tuesday, March 8, 2005	@ 7:00 pm
Combination Meeting	Tuesday, March 22, 2005	@ 7:00 pm
<i>Good Friday</i>	Friday, March 25, 2005	
Combination Meeting	Tuesday, April 12, 2005	@ 7:00 pm
<i>Passover</i>	Sunday, April 24, 2005	
Combination Meeting	Tuesday, April 26, 2005	@ 7:00 pm
Combination Meeting	Tuesday, May 10, 2005	@ 7:00 pm
Combination Meeting	Tuesday, May 24, 2005	@ 7:00 pm
<i>Primary Election</i>	Tuesday June 7, 2005,	
Combination Meeting	Tuesday, June 14, 2005	@ 7:00 pm
Combination Meeting	Thursday, June 30, 2005	@ 9:00 am
Combination Meeting	Tuesday, July 12, 2005	@ 7:00 pm

Combination Meeting	Tuesday, August 9, 2005	@ 7:00 pm
Combination Meeting	Tuesday, September 13, 2005	@ 7:00 pm
Combination Meeting	Tuesday, September 27, 2005	@ 7:00 pm
<i>Rosh Hashanah</i>	<i>Tuesday, October 4, 2005</i>	
Combination Meeting	Tuesday, October 11, 2005	@ 7:00 pm
<i>Yom Kippur</i>	<i>Thursday, October 13, 2005</i>	
Combination Meeting	Tuesday, October 25, 2005	@ 7:00 pm
<i>General Election</i>	<i>Tuesday, November 8, 2005</i>	
Combination Meeting	Thursday, November 10, 2005	@ 7:00 pm
Combination Meeting	Tuesday, November 22, 2005	@ 7:00 pm
Combination Meeting	Tuesday, December 13, 2005	@ 7:00 pm

Mr. Daly stated by choosing Option B, it leaves the first Tuesday of the month for special meetings, such as budget sessions and ones like the Franklin Park water public hearing. Mr. Regan followed up by stating that no other board meetings would be scheduled on the first Tuesday and Council members would leave that Tuesday free for special meetings. After a brief discussion, Mr. Regan moved the following resolution (Option B):

WHEREAS, the Open Public Meeting Act (P.L. 1975, Chapter 231) of the Laws of the State of New Jersey, Section 13 thereof, requires the public body, at least once each year within seven (7) days following the Annual Organization or Reorganization meeting of the public body, or by January 10th to provide notice of a schedule of regular meeting of said public body to be held during the succeeding year; and

NOW, THEREFORE, BE IT RESOLVED on this 23rd day of November, 2004, by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey, that the meeting schedule for the period January 4, 2005 to December 13, 2005 shall be held at 475 DeMott Lane on the following dates and times:

JANUARY 04 (Tues) 7:30 pm REORGANIZATION MEETING

Combined Agenda/Regular Meeting

January 11 (Tues) 7:00 p.m.	January 25 (Tues) 7:00 p.m.
February 8 (Tues) 7:00 p.m.	February 22 (Tues) 7:00 p.m.
March 8 (Tues) 7:00 p.m.	March 22 (Tues) 7:00 p.m.
April 12 (Tues) 7:00 p.m.	April 26 (Tues) 7:00 p.m.
May 10 (Tues) 7:00 p.m.	May 24 (Tues) 7:00 p.m.
June 14 (Tues) 7:00 p.m.	June 30 (Thurs) 9:00 a.m. (Community Center)

July 12 (Tues) 7:00 p.m.

August 9 (Tues) 7:00 p.m.

September 13 (Tues) 7:00 p.m.

October 11 (Tues) 7:00 p.m.

November 10 (Thurs) 7:00 p.m.

December 13 (Tues) 7:00 p.m.

September 27 (Tues) 7:00 p.m.

October 25 (Tues) 7:00 p.m.

November 22 (Tues) 7:00 p.m.

Tuesday, June 05 – Primary Election Day

Tuesday, November 08 – General Election Day

Friday, November 11 - Veterans Day

BE IT FURTHER RESOLVED that the COURIER NEWS, the PRINCETON PACKET and the HOME NEWS/TRIBUNE be and they are hereby designated as those newspapers to whom adequate notice must be given in accordance with **Section 14**; and

BE IT FURTHER RESOLVED that the reasonable sum to be paid by an individual requesting copies of the Regular Meeting Schedule or revisions to same as specified in **Section 14 3(d)** shall be \$20.00.

Said motion was seconded by Ms. Eberle and carried as follows upon call of the roll:

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

Request of Waiver of Interest & Penalties on 4th Qtr. Tax Bill – Cozzoli Enterprises (50 Schoolhouse Road)

Mr. Daly stated that Council received a memorandum from Marc Dashield, Chief Financial Officer stating that he was working with Cozzoli Enterprises regarding the waiving of penalties on their 4th quarter taxes. Mr. Daly reported that Mr. Dashield stated that interest cannot be waived as per State statute, however, it could be reduced to the minimum of eight (8%) percent.

Deputy Mayor McKenzie moved to reduce the interest charged on the four quarter taxes for Cozzoli Enterprises to eight (8%) percent. Said motion was seconded by Ms. Ashley-Williams.

Mr. Regan expressed his confusion when reading the memorandum from the Finance Officer. He asked for clarification of the memorandum. Mr. Daly stated that he would have the

Finance Officer clarify his memorandum. Mr. Daly stated that Cozolli Enterprises based their 3rd and 4th quarter taxes on what they paid for the 1st and 2nd quarters. He stated that their estimation did not include the increase for an assessment that occurred during the year. Also the Township added the assessment increase in the 4th quarter and not in the 3rd quarter.

Ms. Danile expressed her understanding that the law requires interest charged on overdue taxes, but questioned how interest could be charged when they have not been billed yet. Mr. Rainone explained that state law requires payment of taxes even if there is no bill sent to the property owner. Ms. Danile stated that the bill was incorrect. Mr. Rainone replied that there are specific laws when and where interest can be waived.

Mr. Daly stated that many taxpayers are surprised when they receive their 3rd and 4th quarter tax bill because they assume it will remain the same as the 1st and 2nd quarter.

After a brief discussion, it was the consensus of the Council for the Township Attorney and the Chief Financial Officer to work out a plan regarding payment and present it to Council at the December 7th Work Session.

Deputy Mayor McKenzie withdrew his motion. Ms. Ashley-Williams withdrew her second to the motion.

APPROVAL OF MINUTES

September 7, 2004 Work Session Minutes & October 12, 2004 Regular Meeting Minutes

A lengthy and heated discussion ensued regarding the approval of amended versions of the September 7, 2004 Work Session Minutes and the October 12, 2004 Regular Meeting Minutes. Mayor Levine asked that he be provided the same courtesy extended to other Council members when they have requested minutes be tabled for further review and revision. It was the consensus of Council to move forward with the approval of the September 7, 2004 Work Session minutes. Ms. Danile moved for the approval of both the September 7, 2004 Work Session Minutes and the October 12, 2004 Regular Meeting Minutes. Said motion was seconded by Mr. Regan. Ms. Ashley-Williams recommended that the minutes have separate motions and votes since different members of Council were absent at these meetings. Ms. Danile moved to approve the minutes of the September 7, 2004 Work Session. Said motion was seconded by Mr. Regan.

Mayor Levine moved to delete the following statement from page 6 of the September 7, 2004 minutes: "Neither person stated his/her name or address." Mayor Levine stated that his recollection that they did state their names and if not, they were called by name at the time. Ms. McCarthy, Township Clerk, stated that she listened specifically to this portion of the meeting tape and neither person stated their name or address at that time. Mayor Levine deferred to the Township Clerk.

Mayor Levine moved that the September 7th minutes reflect that he disagreed with the highlighted amendment, which references Roberts Rules of Order, which he did at the time. Mayor Levine asked if anyone remembered this occurrence. Deputy Mayor McKenzie replied that he did remember. Mayor Levine asked if Deputy Mayor McKenzie would second his motion. Mr. Rainone asked for clarification that the Mayor was asking that tonight's minutes reflect that he disagreed. Mayor Levine stated that his motion was to amend the minutes. Mr. Rainone stated for the record that they are discussing the minutes of the September 7, 2004 Work Session.

Deputy Mayor McKenzie asked for clarification of the Mayor's motion. Mayor Levine stated that he would like the September 7th minutes to reflect the following statement: "Mayor Levine disagreed with that assessment." This sentence is to following the following statement on page 6 of the September 7th minutes: "Ms. Ashley-Williams asked that the record reflect that Mayor Levine disrespected Robert's Rules of Order when he ignored the motion by Deputy Mayor McKenzie, which was seconded by Ms. Ashley-Williams." A brief discussion ensued regarding the events of that portion of the meeting. Mayor Levine stated that he did state that he disagreed with that assessment and that he did not disrespect Robert's Rules of Order. Deputy Mayor McKenzie stated he could not section that motion. Mayor Levine asked if there was second to this motion. No second of the motion was made at this time.

Mr. Rainone stated for the record that a motion was made by Ms. Danile to approve the minutes of the September 7th Work Session. Mr. Regan stated that it was seconded. Mr. Chivukula made two typographical corrections to the minutes.

Mayor Levine stated that he wanted tonight's minutes to reflect that he was astounded at the amount of disrespect shown to other Council members. He stated that he longed for the days of Mayor Clyde where there was respect among Council members. At this time, Ms. Danile started to make a response statement regarding disrespect. At the same time of Ms. Danile's statement, Mayor Levine asked that she follow the rules or order and asked to be recognized by the Chair.

Mayor Levine asked that the Clerk call the roll for the approval of the September 7, 2004 Work Session minutes. Said motion carried as follows upon call of the roll:

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

Mayor Levine asked the same request for the October 12, 2004 Regular Meeting that they be held until the next meeting for further review of the amendments. There were no objections made by Council, therefore, they were tabled until the December 14, 2004 meeting.

WARRANTS

Mayor Levine presented warrants in the amount of \$7,071,654.98 for November 23, 2004 for payment:

Read by Mayor Levine:

1	Current	6,225,363.93
5	Water Operating	379,519.32
4	General Capital	323,411.20
15	General Trust	86,985.92
18	Self Insurance Trust	1,664.71
21	Recreation Trust	230.00
12	Open Space Trust	29,654.49
2	Grant	19,264.75
3	Collector Trust	5,491.06
14	Dog Revenue	69.60
	SUB-TOTAL	7,071,654.98
	GRAND TOTAL	7,071,654.98

Deputy Mayor McKenzie moved that the following warrants be paid in the amount of \$7,071,654.98 for November 23, 2004. Said motion was seconded by Mr. Regan and carried as follows upon call of the roll:

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

ORDINANCES – PUBLIC HEARING

Ordinance No.3503

Mayor Levine offered 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))

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 Mr. Chivukula to open the public hearing on the aforesaid ordinance. Said motion was seconded by Mr. Sumter and carried unanimously upon voice vote.

Carol Peterson, 12 Lake Avenue, asked what happens to companies that come to the Township, are there other sections in the Code that pertain to nuisances. Mr. Rainone replied in the affirmative and stated that the other sections of the Code are more specific and this section was deemed too vague.

There being no further 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 Mr. Sumter and carried as follows upon call of the roll:

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

Ordinance No.3504

Mayor Levine offered 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

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. Danile and carried unanimously upon voice vote.

There being no comments from the public, a motion was made by Mr. Sumter to close the public hearing on the aforesaid ordinance. Said motion was seconded by Mr. Chivukula 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 Mr. Sumter and carried as follows upon call of the roll:

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

PUBLIC DISCUSSION

A motion was made by Deputy Mayor McKenzie to open the meeting for public discussion. Said motion was seconded by Mr. Sumter and carried unanimously upon voice vote.

Lucretia Corteylou, 1892 Amwell Road, asked that the agendas be placed on the website in a timely manner. She requested that Council pay courtesy to the Mayor regarding appointments and other areas.

Carol Peterson, 12 Lake Avenue, asked for an update to Molecuwire. She asked that toxic chemicals have contaminated the Township's sewer system and the ordinance regarding sump pumps be addressed.

Mr. Daly reported that Molecuwire will remain closed until they are in compliance with Construction and Fire Codes. He stated that plans have been submitted and are being reviewed. He directed Ms. Peterson to contact the Sewerage Authority regarding the toxic chemicals in the sewer system. He stated that the Sewerage Authority regulates and monitors industrial discharges into the system.

Ms. Peterson stated that many people have their boats parked on Lake Avenue because during the hurricanes season have not moved them back to the marina. She stated that the street has become a parking lot and it is hard to drive on Lake Avenue.

She stated that there is an off-campus residence on Lake Avenue that has been having many parties resulting in many cars parked along the street.

She stated that traffic has increased on Lake Avenue and it is hard to get out of intersection. She asked for a sign that states not to block intersection. Ms. Peterson wished everyone a happy Thanksgiving.

Mr. Daly stated he would follow-up on the boat issue with the Zoning Officer and the traffic issues with the Police Department.

Aaron Rotnofsky, 528 Rosecliff, asked Council to stop the infighting amongst each other and to work together for Franklin.

Shirley Pietrucha, 49 9th Street, stated that the Route 287 Committee held a public hearing in the summer, which was very well attended. She stated the removal of the World's Fair traffic light was one of the topics discussed. Ms. Pietrucha stated a lot of material was distributed and a schedule was in place. She stated that Ms. Eberle was in attendance of the public hearing held at Piscataway Municipal Building. She recommended that Council look at the material distributed at the public hearing.

Ms. Pietrucha asked what special services were conducted by the Township Auditor that resulted in additional funding to their contract.

Ms. Pietrucha stated that she has asked four times when the executive session minutes are going to be released. She stated that she is asking for a fifth time when the executive session minutes of June 1st which is the executive session that Jack Morris made his development presentation to Council are going to be released.

Ms. Pietrucha asked which meeting schedule was adopted and what are the changes. She stated that by reducing the meetings to two per month, the public discussion is reduced and they would limiting the hours for the work session.

Mr. Rainone apologized to Ms. Pietrucha for not having the resolution to release the executive minutes scheduled for adoption by Council. He assured Ms. Pietrucha that they would be released, after his review, at the December meeting.

Mr. Daly replied that special services were conducted by the Township Auditor during the December 2003-June 2004 transition of the new Chief Finance Officer.

Courtney Throckmorton, 591 Somerset Street, stated he was appalled by the behavior of Council. He stated they should follow the rules of conduct. He stated that some members speak over and not listen or recognize the Mayor. He noted that all members are representatives of the Township and they should act professional. He stated that if they respect one another, they would be respected. He stated that they should be cooperative of one another.

Mr. Throckmorton asked when the Business Committee meeting is scheduled for the Block 123 businesses and residents. Mr. Daly replied that the meeting for input from the businesses and residents is scheduled for early 2005.

A motion was made by Deputy Mayor McKenzie to close the public discussion portion of the meeting. Said motion was seconded by Ms. Ashley-Williams and carried unanimously upon voice vote.

COUNCIL COMMENTS

Mr. Regan stated that the Franklin Park public meeting was successful. He stated that their concerns were that since they did not cause the problem, they should not have to pay. He stated that a middle ground needs to be found. There will be more public meetings held in January.

Mr. Regan stated that he met with a group of realtors regarding their concerns with the present sign ordinance. He stated that they as well as the volunteer fire companies have concerns with the sign ordinance. He stated that Council may have to revisit the sign ordinance to make further amendments.

Mr. Regan stated he attended the last Redevelopment Agency meeting where they addressed the option of allowing business in the Gateway Project to be temporarily or totally removed from eminent domain. He stated that this is an act that should be continued by the Redevelopment Agency because it will give businesses owners more confidence to invest capital in their businesses. He stated that it is important for the Redevelopment Agency to continue on this path.

Mr. Regan stated, at the request of Mary Berry, to attend her meeting with the CDC. He stated that it was a difficult meeting, but a necessary meeting. He stated that Redevelopment Agency members; CDC members and Council members must recognize that there is nothing they can say to families in Block 123 to make them feel better and they need to recognize this. He stated that it is important for Council to live up to their promise that they will do their best negotiating with them and that he found that the CDC is working with that intent.

Mr. Regan requested from the Council members who sit on the Redevelopment Agency provide Council with copies of letters sent by the Redevelopment Agency to the residents in the Gateway Project Area to keep Council apprised of ongoing matters.

Mr. Regan referenced comments by Mayor Levine at the last meeting regarding "two party system" when no one seconded his motion regarding amendments to the Pay to Play Ordinance and his notion of an in-house attorney. He stated that even without a second, both topics were discussed at length at several meetings. He reminded the Mayor that no one seconded the motion regarding the Pillar of Fire ordinance and not using the standard density

that resulted in the developer being allowed to build 100 extra planned adult community houses. He stated that this topic was never discussed – no second and no discussion.

Mr. Regan wished everyone a happy and safe Thanksgiving.

Ms. Ritchie, in response to Mr. Throckmorton's comments, stated that she has worked for the Township for eighteen (18) years, subsequently served two (2) years on the Planning Board and presently serves on Council and has always worked cooperative for both parties and intends to continue to do so.

Ms. Ritchie expressed her concerns with the meeting structure and Robert Rules of Order procedures. She stated that the Code section that deals with Council meetings has not been looked at since the Township changed its form of government. She stated that the public discussion policies have not been incorporated into the Code. Ms. Ritchie asked the Township Attorney to evaluate the ordinance and recommend any needed changes.

Ms. Eberle stated that the Franklin Park meeting was successful. She stated that it is a delicate matter when one talks about someone's home; their property value and their health. She stated that she is glad to see the matter progressing quickly. She stated that she hopes to see that the remaining testing be conducted in a timely fashion. She stated that she would like to see the reimbursements and upfront costs be paid for by those who caused the problem. She stated that this issue has been going on too long and needs to be remedied.

Ms. Danile stated that standard decency dictates that one who wants respect should learn how to give respect. She stated that a lot of the disrespect that has taken place has gone unchecked. She stated that she hopes that in the future that all Council members treat one another with respect.

Ms. Danile stated that she wishes that there were more Mrs. Petersons because she makes Council aware of things that they are not aware of because they cannot be in all places at all times. She stated that Mrs. Peterson is an individual who helps to provide a standard of living in Franklin Township.

Mr. Sumter stated that eminent domain has never hung over the head of Block 123 residents. He wished everyone a happy Thanksgiving.

Ms. Ashley-Williams stated the Redevelopment Agency did not send out letters to the homeowners of Block 123. She stated that the letters regarding the meetings were sent out by the CDC. She stated the meetings were to inform and help the homeowners understand the process. The meetings were to clarify the roles of the Redevelopment Agency, CDC and Township during this process. She stated that she attended several meetings and they were productive. She stated that one cannot expect that all would leave happy because being displaced is a serious matter. Ms. Ashley-Williams reported that another meeting with all the

individuals affected by the Gateway Project is scheduled for Tuesday, November 30 at the Municipal Building.

Ms. Ashley-Williams wished everyone a happy and healthy Thanksgiving.

Mr. Chivukula expressed his satisfaction of the Franklin Park water public hearing held last night. He stated that as an Assemblyman, he gets the chance to work with the DEP Commissioner and to keep up-to-date on this matter. He expressed the seriousness of this matter and the need for it to be resolved.

Mr. Chivukula stated that he was in attendance of the deployment of troops to Iraq from the Trenton War Memorial. He stated that he was proud to be there and expressed that it was an emotional experience.

Deputy Mayor McKenzie stated that the Public Relations Committee has constructed rules and regulations for the Township's government TV service. He recommended that it was time for Council to review and approve these rules and regulations. He stated that there have been many comments regarding sound problems that need to be improved. He asked that it be placed on the December 7th Work Session agenda.

Deputy Mayor McKenzie wished everyone a happy and safe Thanksgiving.

Mayor Levine announced that the holiday tree lighting ceremony is on November 30th at 6:30 p.m. He asked that those in attendance bring a non-perishable food item for the Food Bank. He expressed his hopes that Council be able to work together.

Mr. Daly announced that no one has signed up for the Joint Insurance Fund workers compensation informational session on Tuesday, November 30th. He reminded Council that the Township's assessment is decreased \$250 for each Council member who attends. He asked that any Council member who would like to attend respond to Janie Done of his office.

Mr. Daly reported that a memorandum from NJ Department of Transportation regarding their amended plans for the Route 27 corridor will be in their packets. He stated that the State plans to cutback their plans on the project. He recommended that Council members look at the informational packet on the website.

Mr. Regan stated that Council is the Board of Health. He reported that the Health Director stated that to have the members in good standing, they need to be better educated. He recommended that at various work sessions, a 15-20 minute topic be presented to get the required education to improve their rating.

Ms. Ashley-Williams stated that at the Stop and Shop opening, they presented the Foodbank with \$1000 and they are continuing to collect money for the Foodbank.

ORDINANCES – INTRODUCTION

Ordinance No. 3512

Mayor Levine presented the following ordinance:

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY – CHAPTER 175, PARKS AND RECREATION, MORE PARTICULARLY SECTION 175-1, DEFINITIONS; 175-4, PROHIBITED ACTIVITIES; 175-8, VIOLATIONS AND PENALTIES; 175-9, EXCLUSIVE-USE PERMITS AND FEES; 175-14, REVIEW BY DIRECTOR AND 175-16, ADMINISTRATIVE POLICIES AND PROCEDURES 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 December 14, 2004.

The aforesaid ordinance was moved by Mr. Chivukula and seconded by Mr. Sumter.

Mr. Regan asked for clarification regarding no alcohol in public parks. Mr. Daly stated that it clarifies the policy already in place. Mr. Regan asked why the increase of fees from \$100 to \$300 in connection with special event permits and asked if anyone who wants to use the park needs a special events permit. Mr. Daly replied that it is a \$300 deposit and that special events permit only pertain to large events in parks.

Said motion carried as follows upon call of the roll:

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

Ordinance No. 3513

Mayor Levine presented the following ordinance:

AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN IN SOMERSET COUNTY IN THE STATE OF NEW JERSEY, ADOPTING A NEW CHAPTER 60 TO THE TOWNSHIP OF FRANKLIN'S MUNICIPAL CODE TO ESTABLISH A FRANKLIN TOWNSHIP TRAILS ADVISORY COMMITTEE, IT RESPONSIBILITIES AND MEMBERSHIP 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 December 14, 2004.

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

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

CONSENT AGENDA

Upon motion by Mr. Chivukula, seconded by Mr. Sumter, the following Consent Agenda Items were adopted as follows upon call of the roll:

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

Resolution #04-500 Accept Resignation of Fred A. McKenzie as Planning Board Class 3 Member, effective November 15, 2004.

BE IT AND IT IS HEREBY RESOLVED that the Township Council of the Township of Franklin, County of Somerset, New Jersey, does hereby accept the resignation of Fred A. McKenzie as a Class III Member of the Planning Board effective November 15, 2004; and

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

Appointment Ellen Ritchie as Planning Board Class 3 Member for an unexpired one-year term ending December 31, 2004.

Appointment Alex Mansaray as Planning Board Class 4 Member for an unexpired four-year term ending December 31, 2007.

Resolution #04-501 Authorize Application and Grant Agreement with New Jersey Department of Community Affairs Neighborhood Preservation Balanced Housing Program.

WHEREAS, the Township of Franklin desires to apply for and obtain a grant from the New Jersey Department of Community Affairs, Neighborhood preservation Balanced Housing

Program for an amount not to exceed the maximum amount allowed in accordance with N.J.A.C. 5:43 for the purpose of providing affordable special needs housing sponsored by the Center for Great Expectations, Inc.;

BE IT THEREFORE RESOLVED that the Township of Franklin does hereby authorize the application for and the execution of a contract for the receipt of such a grant from the New Jersey Department of Community Affairs and does further, upon the execution of such a contract, authorize the expenditure of such funds pursuant to the terms of said contract between the Township of Franklin and the New Jersey Department of Community Affairs;

BE IT FURTHER RESOLVED that the Township of Franklin does hereby commit to this project funding under the Community Development Block Grant;

BE IT FURTHER RESOLVED that the persons whose names, titles and signatures appear below are authorized to sign the application and that they or their successors in said titles are authorized to sign the contract and any other documents necessary in connection therewith:

SIGNED: Ann Marie McCarthy
Township Clerk

SIGNED: Brian D. Levine
Mayor

Resolution #04-502 Approval of Liquor License Transfer from Good Time Charley's South, Inc. to Charlie Brown's of Franklin, LLC (4591 Route 27).

WHEREAS, an application has been filed for a person to person transfer of Plenary Retail Consumption License No. 1808-330006-001, heretofore issued to good Time Charley's South, Inc. located at 4591 Route 27, Somerset; and

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

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business;

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Franklin, County of Somerset and State of New Jersey does hereby approve effective **November 23, 2004** the transfer of the aforesaid Plenary Retail Consumption License to Charlie Brown's of Franklin, LLC and does hereby direct the Township Clerk to endorse the license certificate to the

new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to Charlie Brown's of Franklin, LLC effective November 23, 2004.

Resolution #04-504 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 8, 2004
Block/Lot: 424.04/50
Name & Address: Bulero, Olanrewaju
55 Comstock Street
New Brunswick, NJ 08873
(For 50 Canterbury Circle)
Amount: \$657.10
Make Check Payable To: American Tax Funding
P.O. Box 862658
Orlando, FL 32886-2658
Certificate No.: 040104
Payment Received: November 1, 2004

Date of Sale: June 10, 1999
Block/Lot: 83/4
Name & Address: Klein, Mark R.
20 Den Herder Drive
Somerset, NJ 08873
Amount: \$150.13
Make Check Payable To: Herbert Sehgel
PO Box 284
Kingston, NJ 08528
Certificate No.: 99-0170
Payment Received: November 5, 2004

Date of Sale: June 7, 2001
Block/Lot: 83/4
Name & Address: Klein, Mark R.
20 Den Herder Drive
Somerset, NJ 08873
Amount: \$207.10
Make Check Payable To: Herbert Sehgel
PO Box 284
Kingston, NJ 08528
Certificate No.: 01-236
Payment Received: November 5, 2004

Date of Sale: June 10, 2003
Block/Lot: 83/4
Name & Address: Klein, Mark R.
20 Den Herder Drive
Somerset, NJ 08873
Amount: \$371.90
Make Check Payable To: Herbert Sehgel
PO Box 284
Kingston, NJ 08528
Certificate No.: 03-056
Payment Received: November 5, 2004

Date of Sale: June 10, 2003
Block/Lot: 287.10/13
Name & Address: Amoo-Amchampong, P.
13 Tall Oaks Road
Somerset, NJ 08873
Amount: \$2,157.22
Make Check Payable To: Sequoia Investments
PO Box 5600
Woodbridge, NJ 07095
Certificate No.: 03-164
Payment Received: November 5, 2004

Date of Sale: June 13, 2002
Block/Lot: 364/14
Name & Address: Fladger, Curtis & S.
12 Tamarack Road
Somerset, NJ 08873

Amount: \$1,947.61
Make Check Payable To: James Pilewski
3 Devon Lane
Warren, NJ 07059
Certificate No.: 020157
Payment Received: November 5, 2004

Resolution #04-505 Authorize Performance Guarantee Reduction to Gordon Veronica Avenue III Assoc., LLC, Docket #PLN-2002-0053, Block 88.02/Lot 73 (49 Veronica Avenue) from \$295,003.09 to \$88,500.93.

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

ITEM: Performance Guarantee
NAME OF APPLICANT: Gordon Veronica Avenue III Assoc. LLC
ADDRESS OF APPLICANT: 1436 East Elizabeth Avenue, Linden, NJ 07036
NUMBER: 0358569
INSURANCE CO./BANK: International Fidelity Insurance Company
IN THE AMOUNT OF: \$295,003.09
FOR: Site Improvements – PLN2002-0053 – Block 88.02/Lot 73 – 49 Veronica Avenue

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 \$88,500.93.

Resolution #04-506 Authorize Release of Planning/Bldg. Review Escrows.

WHEREAS, the Township of Franklin, Somerset County has received escrow monies for purposes of professional fees incurred for review of and/or testimony concerning an application for development in accordance with Section 112-29 of the Code of the Township of Franklin; and

WHEREAS, the project has been completed and the Township Engineer has certified to the Township Clerk the amount of money charged against the escrow and has recommended that the balance remaining as set forth be returned to the applicant:

APPLICANT: Baumley Nursey LLC
ADDRESS: 4339 Route 27
Princeton, NJ 08540

DOCKET NO: PLN2001-0043 Plan Review
BLOCK/LOT: 5.02/87-88
LOCATION: 4332 Route 27
AMOUNT DEPOSITED: \$2,232.00
AMOUNT CHARGED: 705.00
AMOUNT TO BE REFUNDED: \$1,507.00

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the remaining escrow monies be returned to the above named applicant; and

BE IT FURTHER RESOLVED that the Chief Financial Officer be and is hereby directed to refund the escrow amounts herein.

Resolution #04-507 Authorize Release of Monument Escrows.

WHEREAS, the Township of Franklin, Somerset County has received escrow monies for purposes of guaranteeing the setting of monuments as noted below; and

WHEREAS, the Township Engineer has certified that the monuments have been set and has recommended that the monument escrow as set forth be returned to the applicant:

NAME OF APPLICANT: Commercial Realty Grp
ADDRESS OF APPLICANT: 1717 East Commercial Blvd.
Ft. Lauderdale, FL 33334
DOCKET #: P98055MS
BLOCK/LOT: 514/20.02, 22, 23 & 24
LOCATION: Schoolhouse Road
AMOUNT DEPOSITED: \$1,250.00
AMOUNT CHARGED: 0.00
AMOUNT TO BE REFUNDED: \$1,250.00

FOR: Placement of 5 Monuments – Subdivision No Longer Exists.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, Somerset County, New Jersey, that the monument 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 #04-508 Authorize Application to NJDEP Environmental Services Grant Program, which provides matching funds up to \$2500 to Environmental Commissions for local environmental projects. The Environmental Commission would like to continue their investigation of stream runoff. A cash match of \$2500 is required.

BE IT AND IT IS HEREBY RESOLVED that the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey does hereby authorize the filing of a Grant application for NJDEP Environmental Services Grant for a grant up to \$2,500 with a cash match of \$2,500 for the Environmental Commission's continuance of their investigation of stream runoff.

BE IT FURTHER RESOLVED that the appropriate Township officials are authorized to execute this Grant Application on behalf of the Township.

Resolution #04-509 Authorize Application to NJDEP Division of Parks and Forestry Recreational Trail Grant Program for up to \$25,000 in federal funds from the Federal Highway Administration to develop trails and trailside facilities at the Negri/Nepote site.

BE IT AND IT IS HEREBY RESOLVED that the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey does hereby authorize the filing of a Grant application for NJDEP Division of Parks and Forestry Recreational Trails Grant for a grant up to \$25,000 in federal funds from the Federal Highway Administration to develop trails and trailside facilities at the Negri/Nepote site.

BE IT FURTHER RESOLVED that the appropriate Township officials are authorized to execute this Grant Application on behalf of the Township.

Resolution #04-510 Authorize Application to NJ State Police Office of Emergency Management Emergency Preparedness Grant Exercise Support Program for matching grants (60/40) up to \$10,000 for jurisdictions to effect position change in their operational systems and organizational

capacities. The Township is applying for \$10,000 for equipment acquisition.

BE IT AND IT IS HEREBY RESOLVED that the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey does hereby authorize the filing of a Grant application for NJ State Police Office of Emergency Management Emergency Preparedness Grant Exercise Support Program for a grant up to \$10,000 (matching grants 60/40) for acquisition of equipment.

BE IT FURTHER RESOLVED that the appropriate Township officials are authorized to execute this Grant Application on behalf of the Township.

Resolution #04-511 Authorize Raffle/Bingo License.

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

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

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

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

NAME OF ORGANIZATION

DATE OF RAFFLE/BINGO

Church of St. Matthias
168 JFK Boulevard, Somerset, NJ
On-Premise Raffle - RL#1466
On-Premise 50/50 – RL#1467
Drawing: Somerset Marriott

February 4, 2005
7:00 pm – 9:00 pm

Resolution #04-512 Authorize Execution of Interlocal Services Agreement with Franklin Township Board of Education for Vehicle Maintenance Services from July 1, 2004 through June 30, 2005.

BE IT RESOLVED that the Mayor and Township Clerk are hereby authorized to execute on behalf of the Township Council interlocal service agreements with the Franklin Township Board of Education as permitted by NJSA 40:8A-1 et seq. and NJAC 5:23 for Vehicle Maintenance Services for the period of July 1, 2004 through June 30, 2005.

Resolution #04-513 Approval of Liquor License Person-to-Person and Place-to-Place Transfer from Jerome E. Decker to The Palace @ Somerset Park, LLC located at 345 Davidson Avenue, Somerset.

WHEREAS, an application has been filed for a Person-to-Person and Place-to-Place Transfer of Plenary Retail Consumption License Number 1808-33-016-005 (inactive license), heretofore issued to Jerome E. Decker, PO Box 445, Quakertown, NJ 08864; and

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

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the application has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the license business;

NOW, THEREFORE, BE IT RESOLVED that the Franklin Township Council does hereby approve, effective November 23, 2004, the person-to-person transfer of the aforesaid Plenary Retail Consumption License to The Palace at Somerset Park, LLC, 345 Davidson Avenue, Somerset and does hereby direct the Township Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to The Palace at Somerset Park, LLC, 345 Davidson Avenue, Somerset, effective November 23, 2004."; and

BE IT FURTHER RESOLVED that the Franklin Township Council does hereby approve, effective November 23, 2004, the place-to-place transfer of the aforesaid Plenary Retail Consumption licensed premise from its inactive status to its new location at 345 Davidson Avenue, Somerset and does hereby direct the Township Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to premises located at 345 Davidson Avenue, Somerset, effective November 23, 2004."

Resolution #04-514 Amend 2004 Professional Services Contract with Hodulik & Morrison in the amount of \$27,360.00 for the performance of special auditing and consulting services for the period of December 2003 through June 30, 2004.

WHEREAS, by resolution adopted August 12, 2003, Professional Service Agreement was authorized with Hodulik & Morrison for Professional Auditing and Consulting Services for the

Township of Franklin for the period of July 1, 2003 through June 30, 2004 in the amount of \$54,500 (Current Fund) and \$21,250 (Water Utility); and

WHEREAS, a need exists to amend said contract to provide an additional \$27,360.00 for the performance of special account services rendered for the period of December 2003 through June 30, 2004; and

WHEREAS, the Chief Financial Officer has certified in writing hereon that funds are available; and

WHEREAS, the Municipal Attorney has reviewed the certification of the Chief Financial Officer and is satisfied that said certification is in proper form; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40:11-1 et seq.) requires that the resolution authorizing the award of contracts for "PROFESSIONAL SERVICES" without competitive bids must be publicly advertised;

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

- (1) The Mayor and Township Clerk are hereby authorized and directed to execute the below referenced amended agreement with the below stated vendor, which agreement shall be maintained on file with the Township Clerk and available for public inspection.
- (2) This amended agreement is awarded without competitive bidding as a "PROFESSIONAL SERVICE" under the provisions of the Local Public Contracts Law because it is a recognized profession licensed and regulated by law and it is not possible to obtain competitive bids.
- (3) A notice of this action shall be printed in the **LEGAL NEWSPAPER OF THE TOWNSHIP** as required by law within ten (10) days of its passage.
- (4) The vendor shall supply the Township of Franklin with Federal Affirmative Action Plan Approval or State Certificate of Employee Information Report within the time period specified by NJAC 17:27. The Contract shall contain the Mandatory Affirmative Action Language for Professional Service Contracts required by NJAC 17:27, a copy of which shall be attached to and incorporated in the Professional Service Agreement authorized herein.
- (5) The vendor shall agree to comply with the requirements of Title II of the Americans with Disabilities Act of 1990 and indemnify, protect and save harmless the Township from all suits, claims, losses, demands or damages of whatever kind or

nature arising out of or claimed to arise out of alleged violations of the Act. A copy of the Act shall be attached to and incorporated in the Professional Service Agreement authorized herein.

VENDOR NAME: Hodulik & Morrison
ADDRESS: 1102 Raritan Avenue, PO Box 1450
Highland Park, NJ 08904
CONTRACT AMOUNT: Not to exceed an additional \$27,360.00
SERVICE: Special Account Services rendered for the period of December 2003 through June 30, 2004..

APPOINTMENT OF PLANNING BOARD CLASS 4 MEMBER FOR AN UNEXPIRED FOUR-YEAR TERM ENDING DECEMBER 31, 2004

Deputy Mayor McKenzie moved the appointment of Rozalyn Sherman as Planning Board Class 4 Member for an unexpired four-year term ending December 31, 2004. Said motion was seconded by Ms. Ritchie.

Mayor Levine stated that he is sure that the appointee would be a fine asset to the Planning Board. He stated that he would have liked to see a resume regarding her qualifications since he is not acquainted with the appointee. Deputy Mayor McKenzie stated that he had thought he had given the resume to the Township Clerk for distribution. Deputy Mayor McKenzie stated he would give the resume to the Township Clerk for distribution to Council.

The motion carried as follows upon call of the roll:

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

RESOLUTION #04-503 – REQUEST TO COAH FOR EXTENSION OF SECOND ROUND SUBSTANTIVE CERTIFICATION AS PER NJAC 5:91-14.3

WHEREAS, Franklin Township received substantive certification from the New Jersey Council on Affordable Housing (COAH) on July 9, 1997 for a period of six years, and this substantive certification has expired on July 9, 2003; and

WHEREAS, COAH adopted rules that permitted municipalities to request an extension of substantive certification upon filing a resolution committing to continue the implementation

of second round plans and committing to petition for certification of a third-round plan within one year of the effective date of COAH's third-round rules; and,

WHEREAS, Franklin Township adopted said resolution on February 25, 2003 and COAH granted an extension to Franklin Township's substantive certification on April 2, 2003 pursuant to rules that were previously adopted by COAH; and

WHEREAS, the appellate Division of the New Jersey Superior Court ruled on August 31, 2004 that while COAH has the authority to extend substantive certification, the process used to do so must be revised to include public notice and a principled review of municipal compliance; and

WHEREAS, pursuant to the Appellate Division order of August 31, 2004, COAH has adopted an emergency rule at N.J.A.C. 5:91-14.3 permitting the extension of a municipality's second round substantive certification for up to one year after the effective date of the adoption of COAH's third round methodology and rules; and

WHEREAS, N.J.A.C. 5:91-14.3 requires Franklin Township to request an extension by motion pursuant to N.J.A.C. 5:91-12 and to provide public notice thereof; and

WHEREAS, to be eligible for a grant of extended substantive certification, N.J.A.C. 5:91-14/3 requires Franklin Township to provide a copy of its adopted current Housing Element and Fair Share Plan; and

WHEREAS, to be eligible for an extended grant of substantive certification, N.J.A.C. 5:91-14/3 requires Franklin Township to commit to continue to implement the certified second round plan; and

WHEREAS, to be eligible for a grant of extended substantive certification, N.J.A.C. 5:91-14.3 requires Franklin Township to commit to either file a newly adopted housing element and fair share plan addressing the third round obligation with COAH within one year of the effective date of COAH's third round rules and methodology, currently proposed as N.J.A.C. 5:94-1 et seq. and N.J.A.C. 5:95-1 et seq., or petition for a third round substantive certification prior to the expiration of the extended second round substantive certification; and

WHEREAS, to be eligible for a grant of extended substantive certification, N.J.A.C. 5:91-14.3 requires Franklin Township to provide a proposed schedule for the submission of the filing or petition for third round substantive certification; and

WHEREAS, to be eligible for a grant of Extended substantive certification, N.J.A.C. 5:91-14.3 requires Franklin Township to provide a statement describing the progress of the municipality's compliance with the terms of its 1987-1999 substantive certification; and

WHEREAS, to be eligible for a grant of extended substantive certification, N.J.A.C. 5:91-14.3 requires Franklin Township to provide, and update as necessary, its current monitoring report and development fee monitoring report; and

NOW THEREFORE BE IT RESOLVED by the governing body of Franklin Township, in the county of Somerset, State of New Jersey, that Franklin Township requests COAH, under its procedure at N.J.A.C. 5:91-14.3 to extended substantive certification for up to one year after the effective date of the adoption of COAH's third round methodology and rules; and

BE IT FURTHER RESOLVED that Franklin Township hereby commits to continue to implement its certified second round plan and has attached hereto a statement describing the progress of Franklin Township's compliance with the terms of its second certification; and

BE IT FURTHER RESOLVED that Franklin Township shall leave all ordinances implementing its original substantive certification, true copies of which are attached hereto, in effect for the extended substantive certification, unless it can be demonstrated that there is good cause why the ordinances should not remain in effect; and

BE IT FURTHER RESOLVED that Franklin Township shall leave all ordinances implementing its original substantive certification, true copies of which are attached hereto, in effect for the extended substantive certification, unless it can be demonstrated that there is good cause why the ordinances should not remain in effect; and

BE IT FURTHER RESOLVED that Franklin Township hereby commits to address its third round fair share obligation by petitioning COAH for review and certification of a newly adopted housing element and fair share plan within one year after the effective date of COAH's third round methodology and rules; and

BE IT FURTHER RESOLVED that Franklin Township commits to submitting a newly adopted housing element and fair share plan to address its third round obligation on or before December 20, 2005 according to the schedule attached thereto; and

BE IT FURTHER RESOLVED that Franklin Township's current monitoring report and development fee monitoring reports, true copies of which are attached hereto, have been forwarded to COAH for review; and

BE IT FURTHER RESOLVED that Franklin Township's adopted current Housing Element and Fair Share Plan, true copies of which are attached hereto, have been forwarded to COAH for review: and

BE IT FURTHER RESOLVED that Franklin Township shall either file the newly adopted housing element and fair share plan addressing the third round obligation with COAH

or petition for a third round substantive certification prior to the expiration of the extended second round substantive certification that has been requested.

The aforesaid resolution was moved by Mr. Chivukula and seconded by Deputy Mayor McKenzie. Said motion carried as follows upon call of the roll:

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

ADJOURNMENT

Mr. Regan moved to adjourn the meeting at 9:46 p.m. Said motion was seconded by Ms. Danile and carried unanimously upon voice vote.

Brian D. Levine, Mayor

Ann Marie McCarthy, Township Clerk

Approved: *As Submitted.*

Date: *December 14, 2004.*