

**REGULAR MEETING OF THE TOWNSHIP COUNCIL
TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, NEW JERSEY
DECEMBER 14, 2004, 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 8:07 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 8:00 p.m. on December 14, 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 Eberle.

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 8:27 p.m.), Ms. Ritchie, Mr. Sumter

Absent: None

Also Present: Louis N. Rainone, Esq., Township Attorney (arrived at 8:35 p.m.); Kenneth W. Daly, Township Manager; Ann Marie McCarthy, Township Clerk.

PROCLAMATIONS

Mayor Levine and Ms. Danile presented the following Gold Award Proclamations:

Cassandra Barboe

WHEREAS, the **GIRL SCOUT GOLD AWARD** is the highest award earned in Girl Scouting; and

WHEREAS, in order to earn this award **CASSANDRA BARBOE, Senior Girl Scout Troop No. 399 of the Somerset Service Unit** had to:

- Earn four Interest Project Patches
- Earn the Girl Scout Leadership Pin
- Earn the Challenge Pin
- Earn the Career Exploration Pin; and
- Plan and carry through a Girl Scout Gold Award Project

WHEREAS, Cassandra's Girl Scout Gold Award Project, had to have a minimum of fifty hours. Her project was called "Write It, Sew It, Act It." Cassandra planned, organized and presented a two (2) week Oak Spring Day Camp Program for seventeen (17) girls. They were taught how to use a sewing machine, how to write scripts for plays and how to act out the plays, one of which they performed for the whole camp. The girls also had the traditional camp program of boating, swimming and cookouts;

NOW, THEREFORE, I, BRIAN D. LEVINE, MAYOR of the Township of Franklin, County of Somerset, State of New Jersey, on behalf of the Township Council and the citizens of the Township of Franklin, do hereby commend

CASSANDRA BARBOE

for the honor she has bestowed upon her Community, Senior Girl Scout Troop No. 399 of the Somerset Service Unit, family and friends as a recipient of the Girl Scout Gold Award.

Date: December 14, 2004

/s/ Brian D. Levine, Mayor

Sara Polefka

WHEREAS, the **GIRL SCOUT GOLD AWARD** is the highest award earned in Girl Scouting; and

WHEREAS, in order to earn this award **SARA POLEFKA, an Independent Girl Scout Member of the Somerset Service Unit** had to:

- Earn four Interest Project Patches
- Earn the Girl Scout Leadership Pin
- Earn the Challenge Pin
- Earn the Career Exploration Pin; and
- Plan and carry through a Girl Scout Gold Award Project

WHEREAS, Sara's Girl Scout Gold Award Project, had to have a minimum of fifty hours. Her project was called "Balancing Act." Cassandra planned, organized and presented a two (2) week Oak Spring Day Camp Program for ten (10) girls. They learned about nutrition, stress, mental wellness, and outdoor cooking. The girls also had the traditional camp program of boating, swimming and cookouts;

NOW, THEREFORE, I, BRIAN D. LEVINE, MAYOR of the Township of Franklin, County of Somerset, State of New Jersey, on behalf of the Township Council and the citizens of the Township of Franklin, do hereby commend

SARA POLEFKA

for the honor she has bestowed upon her Community, Girl Scouts of the Somerset Service Unit, family and friends as a recipient of the Girl Scout Gold Award.

Date: December 14, 2004

/s/ Brian D. Levine, Mayor

Katharine Amanda Nadzak

WHEREAS, the **GIRL SCOUT GOLD AWARD** is the highest award earned in Girl Scouting; and

WHEREAS, in order to earn this award **KATHARINE AMANDA NADZAK, Senior Girl Scout Troop No. 1755 of the Somerset Service Unit** had to:

- Earn four Interest Project Patches
- Earn the Girl Scout Leadership Pin
- Earn the Challenge Pin
- Earn the Career Exploration Pin; and
- Plan and carry through a Girl Scout Gold Award Project

WHEREAS, Katharine's Girl Scout Gold Award Project, had to have a minimum of fifty hours. Her project was called "Adventure in Aerospace." Katharine planned, organized and

presented an aerospace overnight for thirty (30) Girl Scouts and six (6) Leaders. The overnight was done at Buehler Challenger Center and the girls who attended earned their Space Exploration Interest Project Patches. She also took the group to the planetarium where they saw a special solar show and a laser light show. The Brownie Girl Scouts were another part of her project and she did a planetary systems show for them.

NOW, THEREFORE, I, BRIAN D. LEVINE, MAYOR of the Township of Franklin, County of Somerset, State of New Jersey, on behalf of the Township Council and the citizens of the Township of Franklin, do hereby commend

KATHARINE AMANDA NADZAK

for the honor she has bestowed upon her Community, Senior Girl Scout Troop No. 1755 of the Somerset Service Unit, family and friends as a recipient of the Girl Scout Gold Award.

Date: December 14, 2004

/s/ Brian D. Levine, Mayor

APPROVAL OF MINUTES

Mayor Levine presented the following minutes for approval:

- a) 10/12/04 – Regular (Amended)
- b) 10/26/04 – Combination Agenda/Regular
- c) 10/26/04 – Executive Session
- d) 11/04/04 – Work Session
- e) 11/04/04 – Executive Session
- f) 11/09/04 – Regular
- g) 11/22/04 – Special
- h) 11/23/04 – Combination Agenda/Regular
- i) 12/07/04 – Work Session

Mr. Chivukula moved the approval of the following minutes:

- a) 10/12/04 – Regular (Amended)
- b) 10/26/04 – Combination Agenda/Regular
- c) 10/26/04 – Executive Session
- d) 11/04/04 – Work Session
- e) 11/04/04 – Executive Session
- f) 11/09/04 – Regular
- g) 11/22/04 – Special
- h) 11/23/04 – Combination Agenda/Regular
- i) 12/07/04 – Work Session

Said motion was seconded by Ms. Danile. Ms. Eberle made some minor changes to the minutes of November 9, 2004. The aforesaid minutes were approved as amended as follows upon call of the roll:

Ms. Ashley-Williams	Yes to All
Mr. Chivukula	Yes (Abstained - 11/04/04 Work & Executive Session & 12/07/04 Work Session)
Ms. Danile	Yes (Abstained - 11/04/04 Work & Executive Session)
Ms. Eberle	Yes to All
Mayor Levine	Yes to All
Deputy Mayor McKenzie	Yes to All
Mr. Regan	Absent
Ms. Ritchie	Yes (Abstained - 10/12/04 Regular ; 10/26/04 Regular/Exec Session; 11/04/04 Work Session)
Mr. Sumter	Yes (Abstained - 11/04/04 Work & Executive Session)

WARRANTS

Mayor Levine presented warrants in the amount of \$9,725,468.34 for December 14, 2004 for payment:

Read by Mayor Levine:

1	Current	8,439,381.62
5	Water Operating	415,797.76
4	General Capital	585,414.38
15	General Trust	550.00
18	Self Insurance Trust	2,749.95
21	Recreation Trust	220.00
12	Open Space Trust	24,511.40
2	Grant	71,070.55
3	Collector Trust	49,125.88
13	Redevelopment Agency	5,066.30
23	Agency	1,800.00
	SUB-TOTAL	9,595,687.84
25	Escrow Account	129,780.50
	GRAND TOTAL	9,725,468.34

Mr. Chivukula moved that the following warrants be paid in the amount of \$9,725,468.34 for December 14, 2004. Said motion was seconded by Mr. Sumter.

Ms. Ashley-Williams stated that it is difficult for her to approve the warrants since she only received them tonight. She had no time to review them. Mr. Daly explained that they experienced computer problems last week and were unable to produce the warrants list on Friday.

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>
Chivukula	Danile		Ashley-Williams	Regan
Eberle	Levine		Ritchie	
McKenzie	Sumter			

FY2005 CURRENT, CAPITAL, OPEN SPACE AND WATER UTILITY BUDGET

Resolution #04-515 – Read Budget by Title

Upon motion by Mr. Chivukula, seconded by Mr. Sumter, the following resolution was 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			Regan
Danile	Eberle			
Levine	McKenzie			
Ritchie	Sumter			

BE IT RESOLVED, by the Township Council of the Township of Franklin, County of Somerset that it hereby determines that the FY2005 Municipal Budget shall be read by its title, as per NJSA 40A:4-8 and it is declared that all required conditions have been met.

Public Hearing

Mr. Chivukula moved to open the meeting for a public hearing on the FY2005 Current, Capital, Open Space and Water Utility Budget. Said motion was seconded by Ms. Danile and carried unanimously upon voice vote.

Mr. Regan arrived at 8:27 p.m.

Mayor Levine announced that the meeting is open for public discussion on the FY2005 Current, Capital, Open Space and Water Utility Budget. Anyone interested in speaking, please raise your hand and when recognized, state your name and address.

Alan Blander, 309 Biltmore Lane, asked why does the Township need to increase the tax rate. He stated that it appears that the new units that have been added to the tax roll have not been considered in the tax rate. He stated that the municipal budget is increasing by \$2.5 million and several 100 units have been added to the tax rolls since 2004. He asked if the tax revenues generated have been included in the anticipated tax revenue for 2005. Mr. Daly explained the municipal budget process and how the tax rate is calculated. Mr. Blander stated that if there were not new units the tax burden would have been much worse.

Steve Callahan, Meadowlark Lane, stated that homes in his area are being sold because the owners cannot afford the property taxes. He stated that in 1999 his tax bill was \$9000 and now it has increased to \$13,000. He asked Council to try to keep expenses down and more manageable. He also stated that the school system needs to be reorganized and that the school system is another reason why people are moving out.

At this time, Mr. Rainone arrived at the meeting at 8:35 p.m.

Shirley Pietrucha, 49 9th Street, asked how the \$174,311 in the Economic Development Budget is going to be spent. She stated that the Budget Message indicates the restoration of the marketing and international programs in the Economic Development Department to attract more ratables. Mr. Daly stated that the Economic Development Department consists on two (3) employees, which accounts for the salaries and wages portion of their budget. The Other Expenses portion of their budget is to be utilized to prepare material to business prospects to attract ratables.

Ms. Pietrucha asked if the \$153,625 appropriated for the Middlebush Park Improvement Grant and the \$600,000 for the Green Acres Incentive Grant is related to one another. Mr. Daly stated that the Middlebush Park Improvement Grant is to be utilized only for improvements to Middlebush Park and the Green Acres Incentive Grant is utilized to off-set costs associated with the acquisition of open space properties.

Ms. Pietrucha asked what the \$1,930,000 appropriated as Payment on Bond principal includes. Mr. Daly replied it includes the Library project; various park improvement projects; various road overlays and construction projects, Middlebush Park project, computer network and telephone system.

Mr. Pietrucha asked for more public input in the budget process. She asked that the budget process begin earlier to allow more public discussion and involvement. She asked Council to revisit Mr. Chivukula's idea from October, 2003 of forming a Citizen Input Group to work with the budget.

Richard Kyle, 22 Winthrop Road, stated that if taxes are not kept down, sooner or later they are going to chase everyone out of Franklin. He stated that he is the third generation of his family to live in his house and his son will not be able to afford to live in it with his family. He

stated that very little has been done to repair his block. He stated that the spending is out of control and it cannot go on.

Upon motion by Mr. Regan, seconded by Mr. Chivukula the public hearing on the FY2005 Current, Capital, Open Space and Water Utility Budget was closed unanimously upon voice vote.

Resolution #04-514.1 – Department of Community Affairs Technical Amendments to Budget

Andrew Hodulik, Auditor and Kenneth W. Daly, Township Manager explained the amendments to the budget directed by the Department of Community Affairs. Ms. Ashley-Williams asked what would happen if Council did not accept the changes. Mr. Rainone stated that they could not adopt the budget.

Upon motion by Mr. Chivukula, seconded by Mr. Regan, the following resolution was 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		Ritchie	
Danile	Eberle			
Levine	McKenzie			
Regan	Sumter			

WHEREAS, the Fiscal Year 2005 Budget was approved on the 9th day of November, 2004, and

WHEREAS, the public hearing on said budget has been held as advertised, and

WHEREAS, it is desired to amend said approved budget,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Council of the Township of Franklin, County of Somerset, that the following amendments to the approved Fiscal Year 2005 Budget be made:

	<u>Ayes</u>	<u>Nays</u>	<u>Abstained</u>
Recorded Vote	(Ashley-Williams	((Ritchie
(Insert last names)	(Chivukula	((
	(Danile	(
	(Eberle	(<u>Absent</u>
	(Levine	(
	(McKenzie	(
	(Regan		
	(Sumter		

CURRENT FUND BUDGET

	<u>From</u>	<u>To</u>	
Anticipated Revenues:			
General Revenues:			
1. Surplus Anticipated	<u>\$5,450,000.00</u>	<u>\$5,547,699.34</u>	97,699.34
Total Surplus Anticipated	<u>\$5,450,000.00</u>	<u>\$5,547,699.34</u>	97,699.34

3. Miscellaneous Revenues
 Section D: Special Items of General Revenue Anticipated with Prior Written Consent of the Director of

Local Government Services – Interlocal Municipal Agreements Offset with Appropriations: Franklin Township Board of Education	<u>261,339.34</u>	<u>213,000.00</u>	(48,339.34)
Maintenance of School Equipment Total Miscellaneous Revenues – Section D	<u>261,339.34</u>	<u>213,000.00</u>	(48,339.34)
Total Miscellaneous Revenues	<u>12,927,346.80</u>	<u>12,879,007.46</u>	(48,339.34)
5. Subtotal General Revenues	<u>20,177,346.80</u>	<u>20,226,706.80</u>	49,360.00
10. TOTAL GENERAL REVENUES	<u>44,289,472.72</u>	<u>44,338,832.72</u>	49,360.00
	-2-		
	<u>From:</u>	<u>To:</u>	
Appropriations:			
8. General Appropriations:			
(A) Operations within “CAPS”			
Franklin Township Board of Education - Maintenance of School Equipment			
Other Expenses	<u> -</u>	<u>48,339.34</u>	48,339.34
Total Operations (Item 8A) within “CAPS”	<u>24,828,449.76</u>	<u>24,876,789.10</u>	48,339.34
Total Operations Including Contingent within “CAPS”	<u>24,828,449.76</u>	<u>24,876,789.10</u>	48,339.34
Detail:			
Other Expenses (Including Contingent:	6,835,241.76	6,883,581.10	48,339.34
(H-1) Total General Appropriations for Municipal Purposes within “CAPS”	<u>26,119,439.20</u>	<u>26,167,778.54</u>	48,339.34
8. General Appropriations			
(A) Operations – Excluded from “CAPS”			
Interlocal Municipal Service Agreements: Franklin Township Board of Education -			
Maintenance of School Equipment			
Other Expenses	<u>126,328.34</u>	<u>77,989.00</u>	(48,339.34)
Total Other Operations Excluded from “CAPS”	<u>10,222,745.27</u>	<u>10,174,405.93</u>	(48,339.34)
Detail:			
Other Expenses:	10,087,734.27	10,039,394.93	(48,339.34)
[C]Capital Improvements–Excluded from “CAPS”			
Police: Breath Testing Machine	<u> -</u>	14,000.00	14,000.00
Police: Duty Weapon Replacements	<u> -</u>	10,000.00	10,000.00
Public Safety Building Air Handler Canvas Shrouds	<u> -</u>	5,700.00	5,700.00
Animal Shelter Furniture	<u> -</u>	5,300.00	5,300.00
Animal Cages	<u> -</u>	5,000.00	5,000.00
Public Works: 40 Churchill overhead door	<u> -</u>	3,985.00	3,985.00

control			
Public Works: Emergency lights replacement	_____ -	2,900.00	2,900.00
Fire Prevention: Carbon monoxide detector	_____ -	1,200.00	1,200.00
Health: Nurses equipment and measuring instruments	_____ -	825.00	825.00
Health: File Cabinets	_____ -	<u>450.00</u>	450.00
Total Capital Improvements Excluded From "CAPS"	<u>50,000.00</u>	<u>99,360.00</u>	49,360.00
(H-2) Total General Appropriations for Municipal Purposes Excluded from "CAPS"	<u>14,385,383.52</u>	<u>14,386,404.18</u>	1,020.66
(O) Total General Appropriations – Excluded from "CAPS"	<u>14,385,383.52</u>	<u>14,386,404.18</u>	1,020.66
(L) Subtotal General Appropriations {Items (H-1) and (O)}	<u>40,504,822.72</u>	<u>40,554,182.72</u>	49,360.00
9. TOTAL GENERAL APPROPRIATIONS	<u>\$44,289,472.72</u>	<u>\$44,338,832.72</u>	49,360.00

-3-

From:

To:

OPEN SPACE TRUST FUND BUDGET

DEDICATED REVENUES FROM OPEN SPACE TRUST:

Amount To Be Raised By Taxation	<u>\$3,096,015.00</u>	<u>\$3,163,751.00</u>	67,736.00
Total Open Space Trust Fund Revenues	<u>\$3,096,015.00</u>	<u>\$3,163,751.00</u>	67,736.00

APPROPRIATIONS FOR OPEN SPACE TRUST:

Maintenance of Lands for Recreation and Conservation:

Salaries and Wages	\$120,000.00	\$132,000.00	12,000.00
Other Expenses	<u>564,015.00</u>	<u>619,751.00</u>	55,736.00
Total Open Space Trust Fund Appropriations	<u>\$3,096,015.00</u>	<u>\$3,163,751.00</u>	67,736.00

BE IT FURTHER RESOLVED, that two (2) certified copies of this resolution be filed forthwith in the office of the Director of the Division of Local Government Services for certification of the Fiscal Year 2005 budget so amended.

It is hereby certified that this is a true copy of a resolution amending the budget, adopted by the governing body on the 14th day of December, 2004.

Certified by me

/s/ Ann Marie McCarthy, Township Clerk

December 14, 2004.

Resolution #04-516 – Adopt FY2005 Current, Capital, Open Space & Water Utility Budgets

Mr. Chivukula moved for the adoption of Resolution #04-516 – Adopt FY2005 Current, Capital, Open Space & Water Utility Budgets. Said motion was seconded by Mr. Sumter.

Mayor Levine moved the following amendments to the FY2005 Budget:

- a) Change in funding Township Attorney – use of In-house Attorney
- b) Eliminate addition of Health Education Inspector
- c) Eliminate addition of One (1) DPW Laborer
- d) Split Master Plan costs over 2-years

There was no second to this motion. Therefore, motion dies. Mayor Levine asked if there were any other amendments to be made to the budget. No amendments were given at this time.

Mr. Regan reviewed the budget process from the Department Heads to the Township Manager to the Financial Oversight Committee to Council. He stated that he was of the understanding that the Financial Oversight Committee (consisting of Mr. Chivukula, Mayor Levine and himself) were in agreement with the recommendations made at the November 4, 2004 Work Session. He stated he is surprised with Mayor Levine's standing at this time.

Mr. Regan stated that Council has tried their best to keep taxes down. He stated that it is not a perfect budget and it needs to move forward. He thanked Marc Dashield, Chief Finance Officer and Andrew Hodulik, Auditor for all of their work in preparing the budget.

Mr. Daly thanked everyone involved in the budget process for their work. He explained that some of the delay in the budget was a result of the transition in the Finance Officer and the preparation of the Annual Financial Statement. He anticipates next year not having this delay.

The following resolution was adopted as follows upon call of the roll:

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

BE IT RESOLVED by the Mayor and Township of the Township of Franklin, County of Somerset, that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

(a) \$ 24,112,125.92 (Item 2 below) for municipal purposes

SUMMARY OF REVENUES

1. General Revenues	
Surplus Anticipated	\$ 5,547,699.34
Miscellaneous Revenues Anticipated	12,879,007.46
Receipts from Delinquent Taxes	1,800,000.00
2. Amount to be Raised by Taxation for Municipal Purposes (Item 6(a), Sheet 11)	<u>\$ 24,112,125.92</u>
Total Revenues	<u>\$ 44,338,832.72</u>

SUMMARY OF APPROPRIATIONS

1. General Appropriations	
Within "CAPS"	
(a&b) Operations Including Contingent	\$ 24,886,789.10
(e) Deferred charges and Statutory Charges – Municipal	1,280,989.44
Excluded from "CAPS"	
(a) Operations – Total Operations Excluded from "CAPS"	10,174,405.93
[c] Capital Improvements	99,360.00
(d) Municipal Debt Service	4,112,638.25

(m) Reserve for Uncollected Taxes 3,784,650.00

Total Appropriations \$ 44,338,832.72

It is hereby certified that the within budget is a true copy of the budget finally adopted by resolution by the Governing Body on the 14th day of December, 2004. It is further certified that each item of revenue and appropriation is set forth in the same amount and by the same title as appeared in the SSFY 2005 approved budget and all amendments thereto, if any, which have been previously approved by the Director of Local Government Services.

Certified by me this 14th day of December, 2004 /s/ Ann Marie McCarthy, Township Clerk

ORDINANCES – PUBLIC HEARING & FINAL ADOPTION

Ordinance No.3505

Mayor Levine offered the following ordinance:

AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY AUTHORIZING ACCEPTANCE FROM SOMERSET JAM, LLC TWO (2) DEEDS OF DEDICATION AND ONE (1) DECLARARION OF CROSS EASEMENT.

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.

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 Mr. Sumter 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			Regan
Danile	Eberle			
Levine	McKenzie			
Ritchie	Sumter			

Ordinance No. 3506

Mayor Levine offered the following ordinance:

ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 127, FEES, ARTICLE I, PUBLIC RECORDS AND CREATING A NEW ARTICLE VIII, MUNICIPAL COURT DISCOVERY FEES.

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.

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>
Chivukula	Danile			Ashley-Williams
Eberle	Levine			Regan
McKenzie	Ritchie			
Sumter				

Ordinance No. 3507

Mayor Levine offered the following ordinance:

AN ORDINANCE AUTHORIZING A LEASE AMENDMENT FOR CERTAIN PREMISES OWNED BY TRAP ROCK INDUSTRIES, INCORPORATED TO THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET AND STATE OF NEW JERSEY FOR THE INSTALLATION OF COMMUNICATIONS ANTENNA AND TRANSMISSION LINE/RECEIVING EQUIPMENT FOR THE PERIOD OF JANUARY 1, 2005 THROUGH DECEMBER 31, 2005.

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.

Courtney Throckmorton, 591 Somerset Street, asked what the amendment was and if there was a change to the cost of leasing the property. Mr. Daly replied that the agreement was amended years prior and the ordinance extends the agreement year to year. He stated that he did not recall if there was a cost of leasing the property. He would follow up with Mr. Throckmorton on this matter.

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 Mr. Sumter 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. 3508

Mayor Levine offered the following ordinance:

AN ORDINANCE TO ACQUIRE BY PURCHASE OR CONDEMNATION CERTAIN LANDS WITHIN THE TOWNSHIP OF FRANKLIN, SOMERSET COUNTY FOR PARKS AND CONSERVATION PURPOSES

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.

Courtney Throckmorton, 591 Somerset Street, asked if the property could not be acquired, would eminent domain be used. Mr. Daly replied in the negative and stated that they are negotiating this property.

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

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

Ordinance No. 3509

Mayor Levine offered the following ordinance:

BOND ORDINANCE AMENDING BOND ORDINANCE NUMBER 3256 FINALLY ADOPTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF FRANKLIN ON DECEMBER 11, 2001, ENTITLED, "BOND ORDINANCE PROVIDING FOR THE PAYMENT OF THE PURCHASE PRICE FOR THE ACQUISITION OF LANDS FOR OPEN SPACE AND FARMLAND PRESERVATION, ALL LAWFUL AND PUBLIC PURPOSES, BY AND IN THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$14,400,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$13,680,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF," AS AMENDED BY BOND ORDINANCE NUMBER 3293 FINALLY ADOPTED ON JUNE 13, 2002, AS AMENDED BY BOND ORDINANCE NUMBER 3369 FINALLY ADOPTED ON APRIL 8, 2003; AS AMENDED BY BOND ORDINANCE NUMBER 3401 FINALLY ADOPTED ON SEPTEMBER 23, 2003, TO AMEND THE DESCRIPTION THEREOF

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.

There being no comments from the public, a motion was made by Mr. Chivukula to close the public hearing on the aforesaid ordinance. Said motion was seconded by Mr. Sumter 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. 3510

Mayor Levine offered the following ordinance:

AN ORDINANCE TO ACQUIRE BY PURCHASE OR CONDEMNATION CERTAIN LANDS WITHIN THE TOWNSHIP OF FRANKLIN, SOMERSET COUNTY FOR AFFORDABLE HOUSING PURPOSES AND TO AUTHORIZE THE SALE OF CERTAIN PREMISES IN THE TOWNSHIP OF FRANKLIN PURSUANT TO NJSA 40A:12-13(a) – BLOCK 34.01, LOT 16.02 C0347 – 42 TAYLOR DRIVE, FRANKLIN PARK

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.

There being no comments from the public, a motion was made by Mr. Chivukula to close the public hearing on the aforesaid ordinance. Said motion was seconded by Mr. Sumter 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		Ritchie (employment)	
Danile	Eberle			
Levine	McKenzie			
Regan	Sumter			

Ordinance No. 3511

Mayor Levine offered the following ordinance:

CAPITAL ORDINANCE PROVIDING FOR THE ACQUISITION OF PROPERTY KNOWN AS BLOCK 34.01, LOT 16.02 C0347 LOCATED AT 42 TAYLOR DRIVE FRANKLIN PARK, IN AND BY THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$132,100 THEREFOR FROM THE AFFORDABLE HOUSING TRUST OF THE TOWNSHIP TO PAY THE COST THEREOF

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.

Robert Seskin, 412 Breakers Lane, asked if these ordinances have been discussed prior to this meeting. Mr. Rainone explained that an ordinance is usually discussed by Council at a work session and then introduced at a regular meeting. He further explained that at a meeting approximately one-month later, the ordinance has a public hearing and is considered for adoption. Mayor Levine added that there is supporting documentation and other information in their agenda packets clarifying the ordinance.

There being no further comments from the public, a motion was made by Mr. Chivukula to close the public hearing on the aforesaid ordinance. Said motion was seconded by Mr. Sumter and carried unanimously upon voice vote.

A motion was made by Deputy Mayor McKenzie to adopt the ordinance on final passage and publication in accordance with law. 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 (employment)	
Danile	Eberle			
Levine	McKenzie			
Regan	Sumter			

Ordinance No. 3512

Mayor Levine offered 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.

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.

There being no comments from the public, a motion was made by Mr. Chivukula to close the public hearing on the aforesaid ordinance. Said motion was seconded by Mr. Sumter 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
Sumter

Ritchie

Ordinance No. 3513

Mayor Levine offered 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.

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 Ms. Danile and carried unanimously upon voice vote.

Robert Mettler, 2303 Amwell Road, expressed his concerns regarding establishing a new committee. He stated that initially they are not funded in the budget, but eventually they are funded. He stated that he is not against trails. He asked if this committee is necessary since he was of the understanding that the Open Space Advisory Committee was responsible for Township trails. He also asked if a member of the Agricultural Advisory Committee would be a member of the Trails Advisory Committee . Mr. Regan explained that the committee is a recommendation of the Open Space Advisory Committee. It was discussed at Council’s November 4th Work Session. He stated that the Open Space Advisory Committee found it necessary to establish a special committee whose members are specialized in trails. He noted the importance of trails that link various open space parcels in the Township. He stated that there is a member of the Agricultural Advisory Committee on the Open Space Advisory Committee and everyone is in support of this committee.

There being no further 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. Regan and carried unanimously upon voice vote.

A motion was made by Ms. Danile 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				

Prior to the Public Discussion, Mayor Levine announced that the meeting schedule of the Township Council has been changed in 2005. The Reorganization Meeting is scheduled for Tuesday, January 4, 2005 at 7:30 p.m. The meetings have been changed to two (2) Work Session/Regular Meetings each month. In January, they are scheduled for January 11th and 25th. He announced that a special meeting regarding the Millstone Valley Redevelopment Area is scheduled for January 18th at 7:00 p.m.

Mayor Levine thanked all the volunteers involved in videotaping the Council meetings.

Mr. Rainone gave a brief court update on 90 Old Georgetown Road. He reviewed the conditions of the court injunction.

PUBLIC DISCUSSION

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

Thomas Cross, 229 Blake Avenue, reported to Council his concern that St. Peter's Sport Injury Physical Therapy is moving into the Somerset Eye Institute Building. He stated that many years ago in the Planning Resolution it was a condition that medical use be a prohibited use of this building. He expressed his concerns that the neighbors in the area have not been noticed and given the chance to speak. Mr. Rainone replied that he and Council have knowledge of this matter. He noted that it is a Planning matter. He stated that the applicant is required to apply to the Planning Board for relief of the condition. He stated at that time he would have the opportunity to be heard. Mr. Cross requested to meet with the Township Manager, Attorney and any other staff member knowledge of this matter. Ms. Ritchie stated that she is the Council representative to the Planning Board and would be watching for this matter.

George Caspers, 227 Blake Avenue, added to Mr. Cross' comments and stated that there are violations on this property such as the storm sewer is filled with silt and is blocked, the garbage dumpsters are attracting rodents. He also stated that they have complained to the Police Department regarding excessive speeding on Blake Avenue and requested a speed hump. Mr. Daly stated he would look into the violations and noted that Council just adopted a Speed Hump Policy.

Ron Biava, 2 Carriage Trail, thanked Mr. Daly and the Township staff that helped with the 90 Old Georgetown matter. He stated that it was a team effort by all of the Township staff. He noted he is cautious of being optimistic, citing the history of abuse by the property owner.

Shirley Pietrucha, 49 9th Street, thanked the volunteers involved with Channel 25. She asked that the website page that lists the Council meetings be adjusted to the new meeting schedule format. She asked if a copy of the meeting tape be available to the Library was part of the Channel 25 policy and procedures. Ms. Pietrucha asked if the Executive Session Minutes that are being released include the discussion in executive session with Mr. Jack Morris on May 4th. Mr. Rainone replied in the affirmative.

Sandra England, 2 Horseshoe Court, reiterated the appreciation and support in connection with the 90 Old Georgetown Road matter. She stated that the neighbors in the area will not give up. Mr. Rainone thanked the neighbors in the area for all of their helpful information. Ms. Eberle expressed her willingness to help with the matter.

Ronald Blackburn, 7 Carriage Trail, thanked all involved in the 90 Old Georgetown Road matter.

Robert Katz, Somerset-Henry Developer, stated that there was a misunderstanding with the release of his performance guarantee, noting the resolving resolution is on tonight's agenda. He asked for any help for speeding up the resolution of this matter.

Susan Schneider-Baker, Weichert Realtor, spoke in favor of amending the sign ordinance. She invited to discuss this matter further with the proper Township officials. Mr. Chivukula stated that he has had discussions with the Township Manager regarding further amendments to the ordinance. Mr. Daly stated that the portions of the sign ordinance that deals with realtor signs was not changed in the last amendment. He stated that the only change was authorizing staff to take down signs that were in violation. Mr. Rainone stated that the ordinance was amended similar to sign ordinances in other municipalities throughout the State. A brief discussion ensued regarding revisiting the sign ordinance in January to address issues involving realtor signs and signs involving the Fire Department.

Joyce Zaborowski, 4 Pucillo Lane, expressed concerns relating to the sign ordinance. She reported some sign issues that occurred during the election. She stated that she was glad to hear that the ordinance was to be revisited for clarification and fairness.

Courtney Throckmorton, 591 Somerset Street, stated that that common sense should be used when amending the sign ordinance. He stated that presently it is inconsistent.

Mr. Throckmorton responded to comments made by Ray Betterbid at the November 23rd meeting. He stated that he could not believe that Council members nodded their heads in agreement of Mr. Betterbid's recommendation of surveying the members in Block 123 when it had already been conducted. He spoke of eminent domain and the Renaissance Committee meeting with neighbors and businesses in the area. He also spoke of zoning issues along Route 27 and behind his business.

Mr. Regan 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

Ms. Danile stated that Council made suggested where budget cuts would be made and noted it was a difficult process. She stated the Township is strapped by union contracts, bonds and other parameters. She stated that the municipal portion of the budget is only 17% of the total tax bill. The school budget is the majority of the tax bill. She stated that Council is working towards stabilizing taxes. She stated that significant cuts were made and are a good start. She stated that she looks forward to continuing trend while maintaining a certain level of service.

Ms. Wandra Ashley-Williams stated that she did not nod her head in agreement of a survey being needed. She stated that she has attended meetings and each homeowner has been contacted. She stated that discussions have been started and there is no need for a survey.

Deputy Mayor McKenzie thanked those who spoke during the public discussion. He stated that the budget is a necessary budget and Council made effective contributions to the budget to continue services. He stated that no one likes tax increases. He stated that the Council struggled with the budget process. He stated that property tax relief needs to be addressed at the State level.

Mr. Chivukula wished everyone a happy holiday season and a happy new year. He reminded everyone of the change in date of the Reorganization Meeting to Tuesday, January 4th.

Mr. Sumter stated that the budget is the best budget. He wished everyone a merry Christmas and a happy new year.

Ms. Eberle expressed her satisfaction of the resolution of 90 Old Georgetown Road. She stated that it has been a bone of contentment for a number of years. She announced that the Rockingham House is opened for tours. She stated that it has been beautifully restored. She reported that she attended the Joint Insurance Fund Symposium and hoped that the Township receives its reimbursement as promised. She wished everyone a happy holiday.

Mr. Regan stated the reason he was late to the meeting was because he was attending an Academic Awards ceremony at Franklin High School. He stated that it was a proud moment when his daughter received an academic award. He stated that the school system has the ability to provide academics and is not at a disadvantage.

Mr. Regan responded to a comment made by a resident at a previous meeting asking if Council could work together. He stated that they could and are working together. He stated that working with the budget is a difficult process. He expects and looks forward to working with Council during the upcoming year. He stated that it is good to hear from residents and

appreciates their comments. He commended the Police Department. He wished everyone a happy holiday season and new year.

Mayor Levine thanked Ms. Eberle for attending the symposium. He wished everyone a happy holiday and prosperous new year. He stated that he looks forward to working for the benefit of the citizens of Franklin.

ORDINANCES – INTRODUCTION

Ordinance No. 3514

Mayor Levine presented the following ordinance:

AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY AUTHORIZING ACCEPTANCE OF EMERGENCY ACCESS EASEMENT THAT ALLOWS EMERGENCY ACCESS TO AND FROM LOT 27, BLOCK 507. 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 January 11, 2005.

The aforesaid ordinance 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			Regan
Danile	Eberle			
Levine	McKenzie			
Ritchie	Sumter			

Ordinance No. 3516

Mayor Levine presented the following ordinance:

AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 226, VEHICLES & TRAFFIC - SECTION 226-19, THROUGH STREETS (ADD BUFFA DRIVE) 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 January 11, 2005.

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

Ms. Danile asked Mr. Daly for clarification of the need of the ordinance. Mr. Daly replied that the residents in the area requested a stop sign at the intersection of Joan and Buffa Streets. He stated the only way to accommodate this request is for NJ Department of Transportation to designate Buffa Street as a through street. The stop sign would make the street safer.

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			Regan
Danile	Eberle			
Levine	McKenzie			
Ritchie	Sumter			

CONSENT AGENDA

Upon motion by Deputy Mayor McKenzie, seconded by Ms. Ashley-Williams, Consent Agenda Item “s” was tabled until January. Said motion was carried unanimously upon call of the roll.

Ms. Ritchie stated she has to abstain from Consent Agenda Item “i” , she asked that it be removed from the consent agenda and voted on separately.

Upon motion by Mr. Chivukula, seconded by Mr. Sumter, the following Consent Agenda Items were adopted, as amended, 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 #04-517 Appointing Harshida Pathak as Registrar for a three-year term from January 1, 2005 to December 31, 2007.

BE IT AND IT IS HEREBY RESOLVED That the Township Council of the Township of Franklin, County of Somerset and State of New Jersey does hereby appoint **Harshida Pathak as Registrar of Vital Statistics** for a three (3) year term, commencing January 1, 2005 to December 31, 2007.

Resolution #04-518 Authorizing Stormwater Detention Agreement in connection with Cal-Sterling Franklin, LLC subdivision – Docket # PLN 2004-0013 – Block 507, Lot 27 (Weston Road/Cedar Grove Lane).

BE IT AND IT IS HEREBY RESOLVED that the Township Council of the Township of Franklin, County of Somerset and State of New Jersey does hereby authorize the Mayor and Township Clerk to execute on its behalf Developer’s Agreement with Cal-Sterling Franklin, LLC with offices located at 600 South Livingston Avenue, Livingston, NJ 07039 for property known as Block 507, Lots 27 as shown on the Tax Map of the Township of Franklin located at the intersection of Cedar Grove Lane and Weston Road pursuant to the resolution approval dated May 5, 2004, a copy of which is on file in the office of the Township Clerk and available for public inspection.

Resolution #04-519 Authorizing Performance Guarantee Release to Somerset-Henry – Docket No. PLN 2001-0057 - \$213,106.80 and Replacement with 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:	PERFORMANCE GUARANTEE
NAME OF APPLICANT:	SOMERSET-HENRY LLC
ADDRESS OF APPLICANT:	11 Springfield Avenue Somerset NJ 08873
NUMBER:	Check No. 3037
INSURANCE CO./BANK:	Unity Bank
	1746 Oak Tree Road Edison NJ 08820
IN THE AMOUNT OF:	\$213,106.80

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 Performance Guarantee be released in its entirety - \$213,106.80 to the above named applicant upon receipt of an irrevocable letter of credit in the amount of \$126,400.00.

Resolution #04-520 Authorize Master Public Works Interlocal Shared Services Agreement for 2005-2006 between Somerset County Municipalities, Somerset County and each other.

WHEREAS, various County of Somerset Municipalities are desirous of sharing public works equipment and public works employees with the County and/or any designated Municipality to provide public works services, general maintenance and related services; and

WHEREAS, the County of Somerset is desirous of providing those services to the County of Somerset Municipalities in accordance with the terms of an agreement, copy of which will be on file with the Township Clerk; and

WHEREAS, the Interlocal Services Act (NJSA 40:8A-1 et seq.) authorizes and empowers the County of Somerset and the County of Somerset Municipalities to enter into such an agreement;

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey does hereby authorize the Mayor and Township Clerk to execute on its behalf an Interlocal Services Agreement with Somerset County providing for sharing of public works equipment, personnel and services, for the period January 1, 2005 to December 31, 2006, a copy of which is on file with the Township Clerk and available for public inspection.

Resolution #04-521 Authorize Interlocal Agreement between the Somerset County and Franklin Township for the design and construction of a water main extension on Cedar Grove Lane.

WHEREAS, the Township of Franklin has a water main on Cedar Grove Lane, County Route #619 and it is beneficial to expand the scope of the construction of the Cedar Grove Lane project to include a water main extension; and

WHEREAS, the County of Somerset is in the process of undertaking a reconstruction of a portion of Cedar Grove Lane, County Route #619; and

WHEREAS, the County of Somerset is desirous of entering into a joint venture with the Township of Franklin for the construction of a water main extension; and

WHEREAS, it has been determined that the most expeditious way to proceed with the project would be as a Joint Venture, with Somerset County and Township of Franklin paying their jurisdictional costs for the design and reconstruction of a water main extension; and

WHEREAS, the Interlocal Services Act (NJSA 40:8A-1 et seq.) authorizes and empowers the County of Somerset and the County of Somerset Municipalities to enter into such an agreement;

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey does hereby authorize the Mayor and

Township Clerk to execute on its behalf an Interlocal Services Agreement with Somerset County providing for the design and construction of a water main extension on Cedar Grove Lane, a copy of which is on file with the Township Clerk and available for public inspection.

Resolution #04-522 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>
4/2	COUNTRYWIDE TAX SERVICE	4/04	1,419.78
508.02/3.30	PO Box 10211 Van Nuys CA 91410	Paid Twice	1,519.14
36.01/76	TOWNSHIP OF FRANKLIN 475 DeMott Lane, Somerset NJ 08873	3/04 Payment for Medical	139.57
74.01/6.04	JEFFREY & LISA ROBINSON 32 Sunflower Road Somerset NJ 08873	4/04 Paid Twice	1,217.65
<u>BLOCK/LOT</u>	<u>NAME/ADDRESS</u>	<u>QTR/YR</u>	<u>AMOUNT</u>
85/56.03	WASHINGTON MUTUAL HOME	4/04	1,400.00
C0255	PO Box 100573 Florence SC 29501	Paid Twice	
288/25	DARLENE M. SMITH 21 Holly Street, Somerset NJ 08873	4/04 NJ Saver Plus Attny. Overpaid	1,564.76
388/1	WILLIAM & JOANN LYON 50 DeMott Lane Somerset NJ 08873	4/04 NJ Saver	816.27
371/36	SANDRA & NEALLAN HAMILTON 24 Surrey Road, Somerset NJ 08873	4/04 Added Assessment Paid Twice	3,216.21
424.08/51	WELLS FARGO REAL ESTATE	4/04	1,235.93
508.02/3.03	1 Home Campus Des Moines IA 50328	Attorney & Mort Company Paid	7,175.75
513.12/11	IDESON, HOWARD & ELEANOR 1 Bray Court Somerset NJ 08873	3/04 Tax Exempt	148.06
507.24/46	ROBERT BASSIN 425 Breakers Lane, Somerset NJ 08873	4/04 Attorney & Mort Company Paid	762.74
37.02/5.04	HSBC MORTGAGE CORP	4/04	2,527.88
C2322	PO Box 4552 Buffalo NY 14240-4552	Paid Twice	
391/40	MEARNS, DANIEL & CHARLOTTE 181 Emerson Road , Somerset NJ 08873	4/04 Paid Twice	2,341.18
34.02/16.03	FULGINIT & PESSEL Attorney at Law 214 Carnegie Center, Suite 104 Princeton, NJ 08540	4/04 Double Payment	905.66
C2819			
228/33	MANSARAY, MUSTAPHA 93 Martin Street, Somerset, NJ 08873	4/04 NJ Saver	742.65

339/50	JEAN FRANK 274 West Pont Avenue, Somerset, NJ 08873	4/04 Double Payment	1,210.41
341/33	GIANNOTO, LISA 311 West Point Avenue, Somerset, NJ 08873	4/04 NJ Saver	800.00
366/20	KEE, LAWRENCE & HARRIET 30 Patton Drive, Somerset, NJ 08873	4/04 NJ Saver	800.00
424.04/98	BOILING SPRINGS SAVINGS BANK 23 Park Avenue, Rutherford, NJ 07070	4/04 Wrong Township	4,786.41
513.12/9	LOWELL, ARTHUR & ELEANOR 17 Tallman Lane, Somerset, NJ 08873	4/04 Added Assessment Paid Twice	1,960.18

Resolution #04-523 Authorize Tax Title Redemption – Outside Buyer

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, 2000
Block/Lot: 34.08/9.01 C0381
Name & Address: Benade & Milatos
 16 Lindsey Court
 Franklin Park, NJ 08823
Amount: \$1,176.50
Make Check Payable To: James C. Older
 87 East Mountain Road
 Hillsborough, NJ 08844
Certificate No.: 20-155
Payment Received: November 22, 2004

Date of Sale: June 8, 2004
Block/Lot: 221/12
Name & Address: Campbell, June D.
 41 Dewald Avenue
 Somerset, NJ 08873
Amount: \$387.13
Make Check Payable To: American Tax Funding
 P.O. Box 862658
 Orlando, FL 32886-2658
Certificate No.: 040065
Payment Received: November 22, 2004

Date of Sale: June 13, 2002
Block/Lot: 221/12
Name & Address: Campbell, June D.
 41 Dewald Avenue
 Somerset, NJ 08873
Amount: \$3,905.36

04-842

December 14, 2004 – Regular Meeting

Make Check Payable To: American Tax Funding
P.O. Box 862658
Orlando, FL 32886-2658

Certificate No.: 020113

Payment Received: November 22, 2004

Date of Sale: June 10, 2003

Block/Lot: 228/19

Name & Address: Kirpan, Andrew & Anna
251 Henderson Street
Jersey City, NJ 07302
(For 150 Shevechenko Ave.)

Amount: \$1,266.64

Make Check Payable To: Fernwood Funding
92 Main Avenue
Wallington, NJ 07057

Certificate No.: 03-144

Payment Received: November 16, 2004

Date of Sale: June 10, 2003

Block/Lot: 228/29

Name & Address: Kirpan, Andrew & Anna
251 Henderson Street
Jersey City, NJ 07302
(For 83 Martin Street)

Amount: \$362.67

Make Check Payable To: Fernwood Funding
92 Main Avenue
Wallington, NJ 07057

Certificate No.: 020118

Payment Received: November 16, 2004

Date of Sale: June 10, 2003

Block/Lot: 228/29

Name & Address: Kirpan, Andrew & Anna
251 Henderson Street
Jersey City, NJ 07302
(For 150 Shevechenko Ave.)

Amount: \$18,693.62

Make Check Payable To: Fernwood Funding
92 Main Avenue
Wallington, NJ 07057

Certificate No.: 03-146

Payment Received: November 16, 2004

Date of Sale: June 8, 2004

Block/Lot: 349.01/38

Name & Address: H. Smith C/O Z. Smith
915 Grant Street
Plainfield, NJ 07060
(For 338 West Pointe Avenue)

Amount: \$7,560.33

Make Check Payable To: Sequoia Investments
P.O. Box 5600
Woodbridge, NJ 07095

Certificate No.: 040089

Payment Received: November 17, 2004

Date of Sale: October 22, 1987
Block/Lot: 298/11
Name & Address: Triggs, Olga
 23 Millstone Road
 Somerset, NJ 08873
 (For 304 Hillcrest Avenue)
Amount: \$578.63
Make Check Payable To: Theodore Singleton
 866 Cochise Trail
 Birmingham, AL 35214
Certificate No.: 6294
Payment Received: December 1, 2004

Date of Sale June 10, 2003
Block/Lot: 57.01/33.04 C1005
Name & Address: Brewton, Darran & L.P.
 41 Gallop Lane
 Somerset NJ 08873
Amount \$1,417.51
Make Check Payable To: Sequoia Investments
 PO Box 5600
 Woodbridge NJ 07095
Certificate No.: 03-049
Payment Received: November 17, 2004

Date of Sale: June 8, 2004
Block/Lot: 347/18
Name & Address: Patti, Charles
 1820 Amwell Road
 Somerset NJ 08873
 (435 Wheeler Place)
Amount \$14,356.12
Make Check Payable To: Fidelity Tax LLC
 PO Box 577
 Ft. Lauderdale FL 33310
Certificate No.: 040088
Payment Received: November 24, 2004

Date of Sale: June 7, 2001
Block/Lot: 417.01/4.02
Name & Address Somerset Al Holdings
 473 DeMott Lane
 Somerset NJ 08873
Amount: \$86,539.86
Make Check Payable To: Plymouth Financial Company
 PO Box 2288
 Morristown NJ 07962-2288
Certificate No.: 01-207
Payment Received: October 14, 2004

Date of Sale: April 10, 1997
Block/Lot: 298/11
Name & Address: Triggs, Olga
 23 Millstone Road
 Somerset, NJ 08873
 (For 304 Hillcrest Avenue)
Amount: \$154.01
Make Check Payable To: George Shrier

04-844

December 14, 2004 – Regular Meeting

201 South 2nd Avenue, Box 16
Highland Park, NJ 08904

Certificate No.: 97-212
Payment Received: December 1, 2004

Date of Sale: June 11, 1998
Block/Lot: 298/11
Name & Address: Triggs, Olga
23 Millstone Road
Somerset, NJ 08873
(For 304 Hillcrest Avenue)

Amount: \$174.26
Make Check Payable To: Daniel Lebar
P.O. Box 4495
Metuchen, NJ

Certificate No.: 98-115
Payment Received: December 1, 2004

Date of Sale: June 10, 1999
Block/Lot: 298/11
Name & Address: Triggs, Olga
23 Millstone Road
Somerset, NJ 08873
(For 304 Hillcrest Avenue)

Amount: \$2,540.14
Make Check Payable To: James Pilewski
3 Devon Lane
Warren, NJ 07059

Certificate No.: 990015
Payment Received: December 1, 2004

Date of Sale: June 8, 2000
Block/Lot: 298/11
Name & Address: Triggs, Olga
23 Millstone Road
Somerset, NJ 08873
(For 304 Hillcrest Avenue)

Amount: \$396.97
Make Check Payable To: James Pilewski
3 Devon Lane
Warren, NJ 07059

Certificate No.: 20-25
Payment Received: December 1, 2004

Resolution #04-524 Authorize Performance Guarantee Reduction – Praise Presbyterian Church
– Docket #PLN 2002-0015 – from \$587,395.58 to \$287,018.10.

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

ITEM: PERFORMANCE BOND
NAME OF APPLICANT: PRAISE PRESBYTERIAN CHURCH
ADDRESS OF APPLICANT: 100 John F. Kennedy Boulevard Somerset NJ 08873
NUMBER: Check No. 0062
INSURANCE CO./BANK: Bank of the West
1450 Treat Boulevard Walnut Creek CA 94596
IN THE AMOUNT OF: \$537,395.58

FOR: Completed Site Improvements for Docket No. PLN2002-0015 – Block 468.09/31, 15 Cedar Grove Lane; 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 reduced by the amount of \$250,377.48 and the balance of said performance guarantee is now \$287,018.10.

Resolution #04-525 Authorize Release of Plan/Building Review Escrow. – *Considered Separately.*

Resolution #04-526 Authorize Release of Irrevocable Letter of Credit – Real Estate Investors, LLC (Roosevelt Avenue – Block 88.02/Lot 36.02) – Docket #PLN2002-0029 in the amount of \$647,086.80.

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

ITEM: IRREVOCABLE LETTER OF CREDIT
 NAME OF APPLICANT: RASI – REAL ESTATE INVESTORS LLC.
 ADDRESS OF APPLICANT: 62 Veronica Avenue
 Somerset, NJ 08873

NUMBER: SM201970W
 INSURANCE CO./BANK: Wachovia Bank
 IN THE AMOUNT OF: \$627,086.80

FOR: Site Improvements to Block 88.02/Lot 36.02 – Roosevelt Avenue – Project Completed

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 Performance Guarantee be released to the above named applicant.

Resolution #04-527 Authorize Award of State Contract to Dell Marketing for various computers in the amount of \$11,888.95.

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: Dell Marketing
 Dept. 0747 – PO Box 120001
 Dallas, TX 75312-0747
 State Contract No. A81247

ITEMS: 2 Latitude Notebooks – replacements for IT @ \$2,202.04

1 Dell Precision Computer for FTTV - \$4,242.91

1 Dell PowerEdge 2850 server, upgrade for Police Network - \$5,444.00

COST: Total - \$11,888.95

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 #04-528 Authorize Release of Certain Executive Session Minutes.

WHEREAS, the Township Council of the Township of Franklin, County of Somerset and State of New Jersey, as permitted by the Open Public meetings Act (NJSA 10:4-6 et. seq.), conducts meetings closed to the public on matter of:

January 6, 2004	Acquisition of Property	Land underneath Water Tower
February 3, 2004	Litigation	First Industrial, LP v. Township of Franklin
March 2, 2004	Litigation	Tax Appeal Settlements (517.02/19.01; 86.02/3.03; 502/37.01)
March 2, 2004	Acquisition of Property	Griggstown Quail Farm
May 4, 2004	Contract Negotiations	Redevelopment Proposal for Bennetts Lane Area
June 1, 2004	Personnel	Township Engineer
July 6, 2004	Acquisition of Property	Block 507.37/Lot 6
July 6, 2004	Personnel	Twp. Manager & Twp. Clerk Evaluations
August 3, 2004	Litigation	Tax Appeal Settlements (230&240 Davidson Ave/30 Worlds Fr Dr)

WHEREAS, also in accordance with the Open Public Meetings Act, minutes of closed sessions must be released to the public when:

With respect to litigation, negotiation, collective bargaining and Attorney-Client Privilege at the conclusion of said litigation or negotiations;

With respect to acquisition of property at such time as the property is acquired or the acquisition is abandoned;

With regard to personnel and or employment relationship matters at such time as the affected employee shall authorize the release of such information, and/or in accordance with **South Jersey Pub. Co. v. NJ Expressway Auth.**, 124 NJ 478 (1991).

With respect to matters required by law to be Confidential, Public Safety, receipt of Government Funds or the imposition of a penalty at such time as the need for confidentiality no longer exists.

WHEREAS, minutes of closed sessions involving the such matters set forth below have been determined by the Township Attorney to meet the criteria for release to the public as set forth above;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that Executive Session Meetings heretofore held on the foregoing subjects be and they are hereby released to the public.

Resolution #04-529 Authorize Release of Performance Guarantee – Baumley Nursery, LLC (Route 27) – Docket #PLN 2001-0043 in the amount of \$26,783.92.

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

ITEM: Irrevocable Letter of Credit
 NAME OF APPLICANT: Baumley Nursery, LLC
 C/o Mr. Jeffrey Baumley
 ADDRESS OF APPLICANT: 4339 Route 27
 Franklin Park NJ 08823
 NUMBER: N/A
 INSURANCE CO./BANK: First Pioneer Farm Credit, ACA
 9 County Road 618 Lebanon NJ 08833-3028
 IN THE AMOUNT OF: \$26,783.92

FOR: Site Improvements for Docket No. PLN2001-0043, Block 5.02/Lots87-88 – 4339 Route 27; 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 Performance Guarantee be released to the above named applicant.

Resolution #04-530 Authorize Release of Performance Guarantee – US Home/Hampton Ridge – Docket #P98029SF in the amount of \$254,122.05.

ITEM: Maintenance Surety Bond
 NAME OF APPLICANT: U.S. Home/Hampton Ridge
 C/o Mr. Christopher Ankner
 ADDRESS OF APPLICANT: 800 West Main Street
 Freehold NJ 07728
 NUMBER: SV-9523
 INSURANCE CO./BANK: St. Paul Fire & Marine Insurance Company
 333 City Boulevard West #1100 Orange CA 92868
 IN THE AMOUNT OF: \$254,122.05

FOR: Site Improvements for Docket No. P98029SF for the following Streets: Hampton Ridge/Edgewood Estates; Julie Court; Deborah Drive and Ari Drive

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 Performance Guarantee be released to the above named applicant.

Resolution #04-531 Reimburse Somerset County, as per interlocal services agreement, for costs incurred in connection with construction of bikeway as part of the County’s realignment of Amwell Road.

WHEREAS, the Township of Franklin entered into an interlocal services agreement with Somerset County to construct a bikeway as part of their realignment of Amwell Road; and

WHEREAS, the Township of Franklin agreed to reimburse Somerset County for part of the cost of the construction of the bikeway; and

WHEREAS, funding for the reimbursement is from the 1999 NJ Department of Transportation grant received by the Township;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset, State of New Jersey that it hereby authorizes the reimbursement in the amount of \$82,669.00 to Somerset County as per an interlocal services agreement in connection with the construction of a bikeway as part of the County’s realignment of Amwell Road

Resolution #04-532 Authorize Release of Performance Guarantee – T.A.T. Partnership (KF Schoolhouse) (80 Schoolhouse Road) – Docket #PLN2003-0022 in the amount of \$610,110.00.

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

ITEM:	Irrevocable Letter of Credit
NAME OF APPLICANT:	T.A.T. Partnership LLC (KF Schoolhouse)
ADDRESS OF APPLICANT:	60 Leonard Street Metuchen, NJ 08840
NUMBER:	20000274
INSURANCE CO./BANK:	Hudson United Bank 2055 Hamburg Turnpike., 2 nd Floor, Wayne, NJ 07470
IN THE AMOUNT OF:	\$610,110.00

FOR: Site Improvements for Docket No. PLN2003-0022 for Block 514, Lot 6.03 – 80 Schoolhouse Road.

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 Performance Guarantee be released to the above named applicant.

Resolution #04-533 Authorize Transfer of Funds (Unexpended Snow Removal funds from FY2004 to the Reserve for Snow Removal - \$124,824.06.

WHEREAS, the Township of Franklin has established a snow removal reserve that would be held for the purpose of supplementing snow removal charges in years where these charges exceed snow budgets; and

WHEREAS, said reserve would allow the Township to more effectively budget snow removal by lessening the impact of large variations in snow removal cost from year to year;

NOW, THEREFORE, BE IT RESOLVED by the Township of Council of the Township of Franklin, County of Somerset, State of New Jersey that it hereby authorizes the transfer to unexpended snow removal funds from the FY2004 budget to the reserve for snow removal in the amount of \$124,824.06.

Resolution #04-534 Award Professional Services Agreement with Adams, Rehman & Heggan Associates for Stormwater Build Out Analysis in an amount not to exceed \$12,960.00.

WHEREAS, a need exists to contract for the below noted services for the Township of Franklin, County of Somerset, New Jersey; 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 agreement with the below stated vendor, which agreement shall be maintained on file with the Township Clerk and available for public inspection.
- (2) This 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: Adams, Rehmann & Heggan Associates Inc.
ADDRESS: 850 South White Horse Pike, PO Box 579
 Hammonton, NJ 08037-2019
CONTRACT AMOUNT: \$12,960.00
SERVICE: Engineering Services to prepare a non-point source pollutant loading build out analysis and report summary in connection with Franklin Township's Municipal Stormwater Regulations

Resolution #04-535 Adopt Channel 25 Policies and Guidelines. – *Tabled to January 2005.*

Resolution #04-536 Rescind Contract for CDBG Housing Rehabilitation Program Administration for non-services.

WHEREAS, on November 12, 2004, the Township of Franklin awarded a contract to Community Development Concepts after soliciting bids through the competitive contract process for the CDBG Housing Rehabilitation Program Administration; and

WHEREAS, despite numerous requests from the Grants Coordinator, Community Development Concepts has not delivered the services on a timely basis; and

WHEREAS, on December 1, 2004, a letter was sent to Community Development Concepts notifying them of the Township's intention to request the Township Council to rescind said contract;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset, State of New Jersey that it hereby rescinds the contract for CDBG Housing Program Administration awarded to Community Development Concepts on November 12, 2004.

Resolution #04-537 Authorize Release of Performance Guarantee – Rutgers Preparatory School – 1345 Easton Avenue – Bond #A10520200 – Docket No. P99036PD in the amount of \$166,161.85.

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

ITEM:	PERFORMANCE BOND
NAME OF APPLICANT:	RUTGERS PREPARATORY SCHOOL
ADDRESS OF APPLICANT:	1345 Easton Avenue Somerset, NJ 08873
NUMBER:	A10520200
INSURANCE CO./BANK:	Atlantic Alliance Fidelity & Surety Company
IN THE AMOUNT OF:	\$166,161.85

FOR: Site Improvements to Block 466, Lot 1 – 1345 Easton Avenue – Project Completed

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 Performance Guarantee be released to the above named applicant.

Resolution #04-538 Annual compensation – Board of Fire Commissioners – Fire District #3.

WHEREAS, NJSA 40A:14-88 provides in pertinent part:

"EACH MEMBER OF THE BOARD OF FIRE COMMISSIONERS SHALL RECEIVE AS COMPENSATION SUCH AMOUNT AS THE BOARD SHALL FIX SUBJECT TO REVIEW BY THE GOVERNING BODY WHEREIN THE FIRE DISTRICT IS LOCATED"; and

WHEREAS, letter dated October 19, 2004, the Board of Commissioner, Fire District No. 3, has proposed Annual Compensation for various members of the Board of Fire Commissioner at \$5,001.00 each; and

WHEREAS, Township Council has carefully considered such proposed salaries; and

WHEREAS, the Township Council is of the opinion that the public interest would be best served by the approval of said proposed salaries;

NOW, THEREFORE, BE IT RESOLVED this 14th day of December, 2004 by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey does hereby approve payment of the salaries as proposed in the letter dated October 19, 2004 adopted by the Board of Commissioners, Fire District No. 3.

RESOLUTION #04-525 - AUTHORIZE RELEASE OF PLAN/BUILDING REVIEW ESCROW

Upon motion by Mr. Chivukula, seconded by Deputy Mayor McKenzie, the following resolution was 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		Ritchie	
Danile	Eberle			
Levine	McKenzie			
Regan	Sumter			

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:	DPJ Builders, LLC	
ADDRESS:	PO Box 10652 New Brunswick, NJ 08906	
DOCKET NO:	PLN2004-0006	Plan Review
BLOCK/LOT:	194/30-35	
LOCATION:	Green Street	
AMOUNT DEPOSITED:	\$ 790.00 <Heyer>	\$1,600.00 <Schoor>
AMOUNT CHARGED:	<u>790.00</u>	<u>\$ 850.00</u>
AMOUNT TO BE REFUNDED:	\$ 0.00	\$ 750.00

APPLICANT:	Nissan North America Inc.	
ADDRESS:	1501 Cottontail Lane Somerset, NJ 08873	
DOCKET NO:	PLN2004-0033	Plan Review
BLOCK/LOT:	517.04/2.05	
LOCATION:	1501 Cottontail Lane	
AMOUNT DEPOSITED:	\$ 2,250.00 <In-Hse>	\$ 750.00 <Heyer>
AMOUNT CHARGED:	<u>130.00</u>	<u>\$ 150.00</u>
AMOUNT TO BE REFUNDED:	\$ 2,120.00	\$ 600.00

APPLICANT:	Rasi Laboratories	
ADDRESS:	20 Roosevelt Avenue Somerset, NJ 08873	
DOCKET NO:	PLN2002-0029	Plan Review

BLOCK/LOT: 88.02/36.02
 LOCATION: Roosevelt Avenue
 AMOUNT DEPOSITED: \$3,125.00 <Ritchie> \$10,375.00 <CME>
 AMOUNT CHARGED: 525.00 \$ 9,379.25
 AMOUNT TO BE REFUNDED: \$2,600.00 \$ 995.75

APPLICANT: Rasi Laboratories
 ADDRESS: 20 Roosevelt Avenue
 Somerset, NJ 08873
 DOCKET NO: PLN2002-0029 Inspection Fees
 BLOCK/LOT: 88.02/36.02
 LOCATION: Roosevelt Avenue
 AMOUNT DEPOSITED: \$20,088.59 <CME>
 AMOUNT CHARGED: \$19,700.25
 AMOUNT TO BE REFUNDED: \$ 388.34

APPLICANT: U.S. Home
 ADDRESS: 800 West Main Street
 Freehold, NJ 07728
 Attention: Christopher Ankner
 DOCKET NO: P98029F Inspection Fees
 BLOCK/LOT: 37.02/5.01&7.03
 LOCATION: End Westminster Drive
 AMOUNT DEPOSITED: \$26,000.00
 AMOUNT CHARGED: \$25,968.28
 AMOUNT TO BE REFUNDED: \$ 31.62

APPLICANT: Skika Ademu-John
 ADDRESS: 841 Hamilton Street
 Somerset, NJ 08873
 DOCKET NO: PLN2004-0020 Planning Review
 BLOCK/LOT: 230/5&6
 LOCATION: 841 Hamilton Street
 AMOUNT DEPOSITED: \$1,500.00 <Heyer>
 AMOUNT CHARGED: \$ 300.00
 AMOUNT TO BE REFUNDED: \$1,200.00

APPLICANT: Glen Eyre at Somerset
 ADDRESS: 1056 Route 22 West
 Bridgewater, NJ 08807
 DOCKET NO: P98005SP Planning Review
 BLOCK/LOT: 508.02/3
 LOCATION: Cedar Grove Lane & Weston Road
 AMOUNT DEPOSITED: \$19,000.00 <CME>
 AMOUNT CHARGED: \$14,289.50
 AMOUNT TO BE REFUNDED: \$ 4,710.50

APPLICANT: Glen Eyre at Somerset
 ADDRESS: 1056 Route 22 West
 Bridgewater, NJ 08807
 DOCKET NO: PLN2002-0071 Planning Review
 BLOCK/LOT: 508.02/3
 LOCATION: Cedar Grove Lane & Weston Road
 AMOUNT DEPOSITED: \$4,250.00 <CME> \$1,325.00 <Ritchie>
 AMOUNT CHARGED: \$3,658.75 \$1,325.00
 AMOUNT TO BE REFUNDED: \$ 591.25 \$ 0.00

APPLICANT: Rutgers Preparatory School
 ADDRESS: 1345 Easton Avenue
 Somerset, NJ 08873
 DOCKET NO: P99036PD Inspection Fees
 BLOCK/LOT: 466/1
 LOCATION: 1345 Easton Avenue
 AMOUNT DEPOSITED: \$3,000.00
 AMOUNT CHARGED: \$2,100.00
 AMOUNT TO BE REFUNDED: \$ 900.00

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.

EXECUTIVE SESSION

Upon motion by Mr. Chivukula, seconded by Deputy Mayor McKenzie, the following resolution was 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			Regan
Danile	Eberle			
Levine	McKenzie			
Ritchie	Sumter			

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:

Acquisition of Open Space Property

- 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 10:40 p.m. The meeting resumed at 11:04 p.m.

04-854

December 14, 2004 – Regular Meeting

ADJOURNMENT

Deputy Mayor McKenzie moved to adjourn the meeting at 11:04 p.m. Said motion was seconded by Mr. Sumter and carried unanimously upon voice vote.

Brian D. Levine, Mayor

Ann Marie McCarthy, Township Clerk

Approved:

Date: