

WORK SESSION/REGULAR MEETING OF THE TOWNSHIP COUNCIL
TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, NEW JERSEY
SEPTEMBER 23, 2003

The Work Session/Regular Meeting of the Township Council of the Township of Franklin, County of Somerset, New Jersey, held at 475 DeMott Lane, Somerset, was called to order by the Mayor at 7:03 P.M.

The Clerk read a statement indicating all requirements of P.L. 1975, Chapter 231 (The Open Public Meeting Act) had been met.

The Mayor led the entire assembly in the Pledge of Allegiance.

The invocation was given by Councilman Upendra Chivukula.

The Acting Township Clerk called the roll.

Present: Mayor Sumter, Deputy Mayor Grippo, Ms. Eberle, Ms. Ferguson, Mr. Levine, Mr. McKenzie, Mr. Mettler. Mr. Chivukula was absent at roll call but arrived shortly thereafter.

Absent: Ms. Barrier

Also Present: Louis N. Rainone, Esq., Township Attorney, Kenneth W. Daly, Township Manager, Marc D. Dashield, Acting Township Clerk

5. OATH OF OFFICE – FRANKLIN TOWNSHIP POLICE OFFICERS

The following newly appointed Franklin Township Police Officers were sworn in by Acting Township Clerk Dashield:

Officer Frank Mahon, Jr.	Officer Rocco Marswillo, Jr.
Officer Drewrey Lea	Officer Trevor Wilson
Officer Juan Morales	

Canine Officers:

Office Jack
Officer Peace

Mayor Sumter and Councilmembers offered congratulations to the newly appointed officers. Chief Novick praised the entire Franklin Township Police Department. Chief Novick gave particular praise to Sergeant Bantlow and Corporal Durham for their work in recruitment. Chief Novick indicated that the two new canine officers are being funded with forfeiture funds thanks to the Somerset County Prosecutor office. Township Manager Kenneth Daly praised the efforts of the police department for saving taxpayer money by recruiting trained officers thereby reducing training cost for new officers.

COMMENDATION – FRANKLIN TOWNSHIP POLICE CAR DESIGN

Read by Deputy Mayor Grippo

WHEREAS, The Franklin Township Police Department submitted its police cruiser design to Law and Order Magazine's 2003 Vehicle Design Contest; and

WHEREAS, The Law and Order Magazine's national contest judges police vehicles on their exterior design, which places particular emphases on effective, distinctive and progressive vehicle graphics; and

WHEREAS, The judges found the design of the Franklin Township Police Vehicle to be traditional, distinctive and effective in its use of color and logo; and

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WHEREAS, The Franklin Township Police Cruiser design was named the third best exterior designed police cruiser in the nation,

NOW, THEREFORE, I, WILLIS “RICKEY” SUMTER, MAYOR of the Township of Franklin in the County of Somerset, State of New Jersey, on behalf of the Township Council and the citizens of the Township of Franklin, do hereby commend

Franklin Township Police Department

for the honor they have bestowed on their Community, and the Franklin Township Police Department

“2003 Police Vehicle Design Contest Winner”
LAW and ORDER MAGAZINE

Commendation was presented to Chief Novick. Chief Novick thanked the council for the recognition. Chief Novick recognized the Somerset County Prosecutor Wayne Forrest and asked him to speak. Mr. Forrest praised the Franklin Township Police Department. Mr. Forrest indicated he was especially pleased to see the canine officer sworn in since his office had assisted in providing forfeiture funds for the new canine officers.

COMMENDATION – BETTY BURKE – 35 YEARS OF SERVICE – CROSSING GUARD

Read by Deputy Mayor Grippo

BE IT KNOWN that the Mayor and Township Council of the Township of Franklin in the County of Somerset, State of New Jersey, do hereby recognize and commend

BETTY BURKE

For her thirty-five years of service to the Township of Franklin and her dedication to the safety and well being of our most precious possession, the children, as

TOWNSHIP OF FRANKLIN
CROSSING GUARD

Commendation was presented to Betty Burke by Mayor Sumter. Ms. Burke was congratulated and commended by all members of Council.

COMMENDATION – PAULA GRODKIEWICZ – 30 YEARS OF SERVICE – CROSSING GUARD

BE IT KNOWN that the Mayor and Township Council of the Township of Franklin in the County of Somerset, New Jersey, do hereby recognize and commend

PAULA GRODKIEWICZ

For her thirty years of service to the Township of Franklin and her dedication to the safety and well being of our most precious possession, the children, as

TOWNSHIP OF FRANKLIN
CROSSING GUARD

Commendation was presented to Paula Grodkiewicz by Mayor Sumter. Ms. Grodkiewicz was congratulated and commended by all member of Council.

PROCLAMATION – GOOD NEIGHBOR DAY

Read by Deputy Mayor Grippo

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WHEREAS, The National Good Neighbor Day Foundation has enthusiastically promoted National Good Neighbor Day since 1971; and

WHEREAS, In recent years, our growing ability to travel and communicate across great distances has caused some loosening of the bonds that bind our community together; and

WHEREAS, These community bonds are essential to the fabric of American life; and

WHEREAS, We can contribute a great deal to the quality of our existence and to the vitality of our society by doing all we can to revive and strengthen these bonds through neighborliness in our lives.

NOW, THEREFORE, I, MAYOR WILLIS "RICKEY" SUMTER, on behalf of the Township Council of the Township of Franklin, in the County of Somerset, State of New Jersey, do hereby proclaim

SEPTEMBER 28, 2003
as
"GOOD NEIGHBOR DAY"

calling upon all people of this community to observe this day by being a Good Neighbor.

6. REVIEW PREPARED AGENDA:

1. Ordinance Introduction – Amend Code – Chapter 3 – Section 13 Procurement of Goods and Services – Add 5 Prohibit Awarding Contracts to Certain Contributors

Township Attorney presented the results of his research on the “pay to play” ordinance, which was outlined in a memorandum he presented to council.

The Township Attorney summarized his finding as follows:

The proposed ordinance has two main areas of legal concern

- The constitutional issue of limiting free speech
- The council legal authority to regulated activities outside of Franklin Township

The Township Attorney indicated that the area of particular concern is related to the Township’s ability to regulate activity outside of the Township’s jurisdiction. In addition, the Township Attorney indicated that there are a number of other issues that need to be reviewed such as:

- The impact of this ordinance on spouses, children and business partner
- Some of the definition need to be reviewed

The Township Attorney made some changes in the ordinance prepared by Common Cause of New Jersey to address his main concerns and presented recommendations to Council for review.

Mr. Chivukula questioned how this ordinance will impact the bid process.

The Township Attorney noted the following:

- The ordinance only impact professional services contracts awarded by council or the Township Manager

Fred Mckenzie questioned if this ordinance will apply to contributions made to candidates running for election and elected government officials not running for office.

The Township Attorney noted the following:

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- The common cause ordinance provide a provision the specifically denies anyone who is seeking a professional services contract from making any political contributions above the amount specified amount in the ordinance. The ordinance then prohibits contributions of any kind from anyone awarded a contract.
- The Supreme Court has indicated that restriction on political contribution should be narrowly focused. Mr. Rainone indicated he was concerned that the proposed ordinance provides blanket prohibitions.

Mr. Chivukula questioned how this ordinance relates to the Township's current manager form of government noting that the ordinance seem to reference a mayor council form of government

The Township Attorney noted the following:

- Although his presentation did not concentrate on these types of issues he did note that ordinance did need some technical changes

Mr. Levine commented that he has no problems with some technical changes to the ordinance. Mr. Levine asserted that this ordinance would a good step in providing the public with confidence in local government. Consequently he supports the introduction of the ordinance as originally drafted.

Motion was made by Mr. Chivikula and seconded by Mr. Grippo to amend item 10. **Ordinance Introduction – Amend Code – Chapter 3 – Section 13 Procurement of Goods and Services – Add 5 Prohibition Awarding Contracts to Certain Contributor** as indicated in the Township Attorney's Memorandum to narrow the jurisdiction of the ordinance to Franklin Township only. Acting Township Clerk Dashield polled the Board, the vote being as follows:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>
Mr. Chivukula	Mayor Sumter	Ms. Ferguson	
Ms. Eberle	Mr. Grippo	Mr. Levin	<u>ABSENT</u>
Mr. Mckenzie		Mr. Mettler	Ms. Barrier

Motion was carried

Ordinance Introduction – Authorizing the Lease of Certain Premises to the Meadows Foundation for Maintenance of the Tulipwood Property – Block 347/Lot 8 – December 1, 2003 – November 30, 2023

The Township Manager noted that corrected copies of the lease agreement are in council's folders. The Manager further noted that representatives from Meadows Foundation are here to answer any questions council may have.

Ordinance Introduction – Amend Code - Chapter 226 – Vehicle and Traffic, Section 226-30F Violation and Penalties – Increase Penalties from \$100.00 to \$250.00

Mr. Mckenzie inquired if the proposed fee change was the same as the state of New Jersey's penalties. Mr. Daly responded yes and referred council to the memo from the Court Administrator explaining the state increase and need for the Township to increase fees.

Grant Agreement – Statewide Local ADA Compliance Grant – Municipal Building Entrance Doors - \$16,324.00

Ms. Ferguson inquired if the handicap access door will be automatic doors or will they be modified as done previously to make the doors easier to open. Ms. Ferguson indicated that she wanted to see "real" automatic handicap doors. Mr. Daly responded by indicating that this grant is intended to place automatic doors on the front entrance of the municipal building.

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Request For Grant Extension – New Jersey Department of Transportation

Mr. Chivukiulla inquired about the grant extension .The Township Manager responded by indicating that New Jersey Department of Transportation (DOT) requires a formal resolution to extend its grants. He further stated that James Pettitt the capital projects engineer has outlined the following schedule for the projects listed:

1. Bennette Lane & Coutelou Lane are expected to go out for bid in late October
2. Franklin Blvd sidewalks are expected to go out for bid in October
3. Kingston sidewalks are expected to go out for bid in December with construction in the spring

Consent item D FY 2004 – Temporary Emergency Budget

Mr. Levin asked for clarification the Temporary Budget. Mr. Daly indicated the new finance officer has recommended the changes in the resolution to include some items that were not included in the initial temporary budget including liability insurance, interlocal services agreement, water utility and open space.

Mr. Levin asked about the salary and wage item in the open space budget and inquired if that was part of the consultants salary. Mr. Daly indicated that the wages were for public works employees who do the maintenance for open space. Mr. Levin asked if there was money in the temporary budget to fund the skate park. Mr. Daly indicated that budget is determine by applying a percentage to the total allocation. Mr. Daly indicated that these funds will not be used for any thing in the capital budget until the Township Council has made decision on the capital budget

Consent E FY 2003 – Budget Transfers

Mr. Levin asked for additional information on the reason for the transfers. Mr. Daly indicated that the former Finance Director has placed all the transfer in a line called salary adjustments and the new finance officer indicated that the transfers should go into the individual departments.

Ms. Ferguson asked if the police motorcycle donation was costing the Township any money. Mr. Daly indicated no.

7. COUNCIL DISCUSSION ITEMS

Presentation – Geographic Information Systems (GIS)

Mike Gallager the Township's Network Administrator informed council that the office of information technology has being working hard to develop the GIS capabilities of the Township. Mr. Gallager indicated that over the last couple of years the Township has done considerable ground work including aerial photograph and mapping that will allow the Township to begin to use new GIS capabilities. Mr. Gallager introduced the Township's GIS consultant Tom Tiner from Civil Solutions to conduct the presentation

Mr. Tiner 's presentation covered the GIS accomplishments over the last couple of years :

- The Township's parcel update was completed in September of 2002
- Township's easements have been digitized
- The Tax Assessor data has been integrated into the GIS
- Aerial photograph has been completed
- Initial data layer has been completed
- Currently the township is working to launch an internet map service.

Mr. Tiner indicated that tonight he will demonstrate the internet map service

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The consultant give a demonstration of the GIS ARCCIMS solution and internet tool. Mr. Tiner demonstrated that the map service would allow someone to access a number of data layers for a particular parcel of land in Franklin Township. This system will allow assess to data such utility pole location, fire hydrant location and land contours. Mr. Tiner demonstrated the map service and took questions from council.

Vacation of Drainage Easement & Dedication of New Easement – Princeton Highlands

Mr. Daly referred council to a letter from the developer of Princeton Highlands requesting the Township to vacate the an existing drainage easement and provide a new drainage easement. The developer is making this request for the construction of a house. Mr. Daly indicate that the developer has come to council prior to going to the Board of Adjustment were he will file for a hardship variance. Mr. Daly further stated that the owner is likely to receive a hardship variance.

Mr. Mettler asked why did the planning board allow the creation of an unbuildable lot in this development. Mr. Mettler further inquired if the developer was proposing to add more houses then was approved by the Planning Board.

Mr. Chivikula suggested that the matter be referred to the Planning Board for their input.

Council concurred.

A. **Request for Use of Municipal Building and Phones – Library Phonathon**

Township Manager indicated that the friends of the library are asking to use the municipal building for a phoneathon on October 8, 9, 15 and 16. The friends of the library will have 6 to 8 caller each evening.

Motion made by Mr. Grippo seconded by Mr. Mettler to approve the use of the building by the friends of the library

The motion passed by acclamation

B. **Request to Accept Easement – Jiffy Road**

Township Manager indicated that he has received a requested to accept a portion of Jiffy Road. The Township Engineer has reviewed the request and made a number of conditions that must satisfied prior to the Township accepting the road. Mr. Daly indicated that the applicants attorney is willing to meet all conditions of the Township Engineer. As way of background, Mr. Daly indicated that this street has been used a public street for a number of years and has had a number of parking problems. Accepting the street will allow the Township to enforce parking regulations. The Township Manager recommended the change as a matter of public safety. Mr. Mettler proposed that council follow the recommendation of the Township Engineer and communicate to the application the Township will be willing to accept the street based on the Engineers conditions.

Authorized by acclamation

C. **Meeting – D&R Canal Parks on October 14, 2003**

The Township Manager indicated that he has received a letter for Mayor of Trenton Douglas Palmer requesting representatives from Franklin Township to attend a meeting on October 14, 2003 concerning D & R Canal Park. Mr. Daly indicated that the Open Space Committee has discussed this issue and recommends that the Township Manager or John Loss attend this meeting along with two members of council. The open space

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committee has requested that councilperson Robert Mettler and Upendra Chukula represent Franklin at this meeting. Council concurred with the open space committee recommendation. Mr. Mettler indicated that the D & R Canal is an important part of Franklin Township and the council should do what it can to ensure its preservation.

8. APPROVAL OF MINUTES – WORK SESSION – 06/05/03

Motion was made by Deputy Mayor Grippo and seconded by Ms. Eberle to approve the Minutes of the Work Session of June 5, 2003. Acting Township Clerk Dashield polled the Board, the vote being as follows:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>
Mr. Chivukula	Mr. McKenzie	No One	Ms. Ferguson
Mayor Eberle	Mr. Mettler		
Mr. Grippo	Mayor Sumter		<u>ABSENT</u>
Mr. Levine			Ms. Barrier

Motion was carried.

9. WARRANTS – SEPTEMBER 23, 2003

Read by Acting Township Clerk Dashield

1	Current Fund	8,576,896.80
5	Water Operating	385,607.94
6	Water Capital	0
4	General Capital	257,366.17
15	General Trust	22,517.10
18	Insurance Trust Fund	0
21	Recreation Trust	441.55
12	Open Space Trust	4,579.26
2	Grant Fund	16,238.58
17	Workers' Compensation	657.72
	Unemployment Trust	0
	Employee Payroll Deduction	0
3	Collector Trust	15,583.88
14	Dog Revenue	0
	Community Foundation	0
22	General Ledger: Current	0
13	Redevelopment Agency	0
23	Agency Payroll	0
	SUB-TOTAL	9,279,889.00
25	Escrow Account	60,267.87
19	Voided Checks	0
20	Adjustments	0
	GRAND TOTAL	<u>\$ 9,340,156.87</u>

Motion was made by Mr. McKenzie and seconded by Ms. Eberle to approve the Warrants. Acting Township Clerk Dashield polled the Board, the vote being as follows:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>
Mr. Chivukula	Mr. Levine	No One	No One
Ms. Eberle	Mr. McKenzie		
Ms. Ferguson	Mr. Mettler		<u>ABSENT</u>
Mr. Grippo	Mayor Sumter		Ms. Barrier

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Motion was carried.

10. ORDINANCE HEARING – BOND ORDINANCE – AMEND ORDINANCE NO. 3256 AND 3293, ACQUISITION OF LANDS FOR OPEN SPACE AND FARMLAND - \$14,400,000.00 – AMEND DESCRIPTION TO ADD BLOCK 58, LOT 10.05 & 9.01; BLOCK 85 LOT 22; BLOCK 86.01 LOT 9.41; BLOCK 10 LOT 2 & 6.04; BLOCK 508.02 LOT 10; BLOCK 37.02 LOT 1.01; BLOCK 57.01 LOT 56; BLOCK 5.02 LOTS 42, 43 & 45.02; BLOCK 36.01 LOT 6.03; BLOCK 349.02 LOT 105-108; BLOCK 59.01 LOT 3.901; BLOCK 85 LOTS 62.01 & 62.03

Acting Township Clerk Dashield read by title:

"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, TO AMEND THE DESCRIPTION THEREOF". Acting Township Clerk Dashield noted that the Township Attorney has approved the Affidavit of Publication and that a public hearing on the ordinance is in order.

Motion was made by Mr. Chivukula and seconded by Ms. Ferguson to open the public hearing; the motion was carried unanimously.

The Mayor then asked for persons desiring to speak to give their names and addresses to the Clerk.

No one from the public spoke.

Motion was made by Mr. Chivukula and seconded by Mr. Mettler to close the public hearing; motion was carried unanimously.

Motion was made by Mr. Chivukula and seconded by Ms. Ferguson to adopt and publish notice of final passage in accordance with law.

The Acting Township Clerk polled the Board, the vote being as follows:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>
Mr. Chivukula	Mr. Levine	No One	No One
Ms. Eberle	Mr. McKenzie		
Ms. Ferguson	Mr. Mettler		<u>ABSENT</u>
Mr. Grippo	Mayor Sumter		Ms. Barrier

Motion was carried.

11. PUBLIC DISCUSSION

Deputy Mayor Grippo asked to be recognized and spoke concerning a letter that was received by member of council indicating that the Tax Assessor had filed an application with Somerset County Board of Taxation to conduct annual reassessment for this year. Deputy Mayor Grippo expressed his concern that the application had been filed despite the council ongoing discussion of the reassessment process. Deputy Mayor Grippo indicated that the Council had directed the Tax Assessor to provide a report concerning a ward based system of

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reassessment. With the council not receiving this report and making any final determination on the issue, the Deputy Grippo expressed his deep concern with the fact that an application had been filed with Somerset County for annual assessments. Deputy Mayor Grippo indicated that on October 8, 2003 the Somerset County Tax Board will review the application for annual assessment and he intends to attend that meeting and ask the board not to accept the application.

Deputy Mayor Grippo made a motion that the council send a formal resolution to the Somerset County Tax Board in opposition to the application made by the Tax Assessor to conduct annual assessments. The motion was seconded by Mr. McKenzie.

Mr. Levin asked for discussion on the motion by Deputy Mayor Grippo. Mr. Levin indicated that the Tax Assessor Burnham Hobbs did not ignore the wishes of the Township Council. Mr. Levin stated that the council as a whole never made a motion to suspend assessments consequently, the process should continue as usual. Further, Mr. Levin indicated that the council did not recommend a halt to assessment therefore he did not believe this motion was not advisable. Mr. Levin further stated that he believes that the real issue that citizens are upset about is spending not assessments.

Mr. Mettler commented that the theories behind annual reassessment should make the current method of assessment more equitable however his experience from talking to citizens seems to conclude the opposite. Mr. Mettler indicated that on the other hand he has experience with reevaluations in the past and finds that process troublesome. But there remains some perceived inequities which I believe is a result of the reliance of computer aided assessments. Mr. Mettler indicated that he will support this resolution.

Motion was made by Deputy Mayor Grippo and seconded by Mr. McKenzie to file an objection with Somerset County Board of Taxation concerning the Township Assessor's application for annual assessment. The Acting Township Clerk polled the Council with the following results:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>
Mr. Chivukula	Mr. McKenzie	Ms. Ferguson	No One
Ms. Eberle	Mr. Mettler	*Mr. Levine	
Mr. Grippo	Mayor Sumter	<u>ABSENT</u>	
		Ms. Barrier	

Motion was carried.

* Mr. Levin requested that the resolution contain the votes of each council member. Council concurred

Motion was made by Deputy Mayor Grippo and seconded by Robert Mettler to open the meeting for public discussion; motion was carried unanimously.

Mayor Sumter asked that persons who desired to speak give their names and addresses to the Township Clerk.

Sid Lentz, 26 Cortelyous Way – spoke and made comments concerning the assessment process. Mr. Lentz indicated that he has filed a tax appeal with Somerset County Tax Board six times and won five out of the six tax appeals. Mr. Lentz then asked council if his experience does not demonstrate that there is a problem with the assessment process.

David Carpie – Lakewood Townhome Development – Asked the Council what they could do about the proposed tofu factory along Cedar Grove Lane and within 200 feet of the

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Lakewood Townshomes. Mr. Carpie indicated that he understood that Township Council made an error that caused the wrong management company to be notified of a Planning Board hearing on the proposed factory. Mr. Carpie indicated that the notice to residence was legally required for all property within 200 feet and wanted to know what Council was going to do on this issue. Mr. Carpie indicated the residents are concerned about truck traffic, possible smells and noise. Mr. Carpie presented signatures from the resident in protest of the proposed development..

Kenneth Daly – advised the Township Council that this matter involves pending litigation and asked council not to speak on the issue until after their briefing during executive session.

Barbara Lawrence, 383 South Middlebush Road, Thanked council for their support on the phone-a-thon. Ms. Lawrence also commented on the recent Korean Day celebration the raised \$10,000.00 for the Library

Courtney Throckmartin, 591 Somerset Street – Mr. Throckmartin stated that he was before council tonight to oppose the power of eminent domain given the Redevelopment Agency. Mr. Throckmartin indicated that he represents the Somerset Business and Community Association. Mr. Throckmartin commented that the people were concerned with the power of condemnation that was given to the redevelopment agency for the next 30 years in the Renaissance Redevelopment Area. Mr. Throckmartin express his believe that the only reason the redevelopment agency needs the power of eminent domain is to fallow the Township or a developer to take property for less than its value. Mr. Throckmartin commented that the Township is intentionally depressing the value of properties through the use of eminent domain. Mr. Throckmartin presented council with a petition asking council to eliminate the power of eminent domain from the redevelopment agency.

John P Gross – 127 Winchester Way spoke and make the following comments:

Mr. Grosso asked if the interlocal agreement for animal control services between North Brunswick and Franklin Township was for the housing of animals. Mr. Daly responded that the agreement is for back up services of an animal control officer. Mr. Grosso praised the Township Manager for his work on the water relining project and indicated that the program has saved the Township 2.2 million dollars.

Mr. Grosso spoke concerning taxes and stated that the tax problem started 20 years ago when all the subdivision were approved. Mr. Grosso stated that the Township needs to control growth by increasing the zoning minimums. Mr. Grosso explained that other communities like East Amwell have move towards 10 acre zoning. Mr. Grosso then asked why the Township could not do the same. Mr. Grosso asked the Township council to rezone every piece of open land. Mr. Grosso also requested that council impose developer fees to help the tax payers with the tax burden.

Further Mr. Grosso asked Mr. Levin to specify the specific reductions in spending that he would like to see in the budget. Mr. Grosso asked Mr. Levin about progress on correcting the traffic problem in front of Rutgers Preparatory School. Mr. Grosso asked the progress on improvement at Dunham lebed Park. Mr. Grosso then asked Mr. Levin to provide a list of his accomplishments during his term.

Lucretia Cortelyou – 1892 Amwell Road spoke and made the following comments.

Ms. Cortelyou expressed her concern that the Township does not have a local newspaper coverage. Ms. Cortelyou expressed concern that the Home News nor the Courier News have sent reporters to the council meeting to cover Franklin Township. Instead the Township must rely on press releases. Ms Cortelyou also expressed concerns that the minutes for the Council meeting were not up to date. Ms. Cortelyou then asked that the mayor and council contract the Courier News to attempt to increase coverage in Franklin Township.

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Ms. Cortelyou also indicated that she understood there was a new paper in the Township that was mailed to residence. Ms Cortelyou indicated that she had not received one and wanted to know if it is sent to all residence and who is paying for the paper.

Joyce Zaborowski 4 Precello lane – Spoke and made the following comments:

Ms. Zaborowski asked Mr. Daly to explain the sign ordinance and how it pertains to political signs. Township Attorney responded that there is a state law that prohibits the placement of signs on utility poles. Mr. Daly indicated that as the Chief Executive Officer of the Township it is his opinion that the Township should be above politics therefore he has asked each political party to not place signs on municipal property including open space and other public property. Which he has detail in a memorandum to the political parties Mr. Daly then indicated the police and public works will remove from a right of way that are deemed a hazard because they are place to close to the public street.

Mr.1 Pretto 8 Coopermine Road – spoke and made the following comments:

Mr. Pretto indicated that about one year ago he purchased a property on Voorheers and Route 27 with the intention of expanding his business. However, about year ago he read in the newspaper that a redeveloper had plans to purchase properties along Voorhees Avenue and route 27 to build a large shopping center. Mr. Pretto indicated that after the redeveloper pulled of the deal the Council give the business owners in his area and opportunity to develop their own redevelopment plan. Mr. Pretto indicated that the business owners developed a plan the involved the development of a small industrial park and the Township rejected the plan because they were looking for commercial development. Mr. Pretto asked that since the Township rejected the redevelopment plan presented by the business people in the area he is asking that the Township Council undo the redevelopment plans in the area.

Vicki Drecolis 873 Somerset Street – spoke and made the following comments:

Ms. Drecolis indicated that living and working in the redevelopment area has been a night mare for her for the last year. Ms. Drecolis requested that council considered eliminating the redevelopment agency Ms. Drecolis asked that the council to remove the power of condemnation from the redevelopment agencies..

Mike Fisher 255 Columbus Drive – spoke and made the following comments:

Mr. Fisher indicated that on July 8 he came before council and requested help concerning a problem with youth hanging out at basketball court near the Winfield Development. Mr. Fisher commented the there has been a positive change and thanked the police department and the Township Manager.

On the issue of property tax Mr. Fisher asked for more information on the hearing on the assessment application at Somerset County Board of Taxation. Mr. Fisher commented that the taxes on his unit increase 62.4% over last year and his assessment increased \$50,000.00. Mr. Fisher indicated that his taxes increased from \$1,800.00 ten years ago to \$5,400.00 today on a 1,466 square foot condo.

Mr. Fisher inquired if the Township would incorporate in its website the ability for residence to access tax and property data similar to towns like Woodbridge.

Heather Taylor the communication director for common clause New Jersey – Spoke concerning the purchasing reform ordinance (Pay to Play Ordinance) and asked council to introduce the ordinance as originally drafted.

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Micheal Kenerak – 4383 Route 27 – Spoke concerning the land swap ordinance agenda item number 13 and indicated that he was a party to the swap and was available for any questions that council had on the subject.

Motion was made by Deputy Mayor Grippo and seconded by Mr. Chivukula to close the public portion of the meeting; motion was carried unanimously.

12. COUNCIL COMMENTS

Mr. Mettler

- Commented that the elimination of the redevelopment area would not eliminated power of eminent domain.
- Mr. Mettler requested that council place on its agenda a discussion about the necessity for the redevelopment area and the redevelopment agency and the possible elimination of the redevelopment area. Mr. Mettler indicated that he would like to see a discussion that was focused on whelter the redevelopment is doing what we intended to do. Mr. Mettler voiced concerns that development is occurring in along the borders of the redevelopment area but not inside the redevelopment area. Further, Mr. Mettler indicated that the one proposal that was brought forward concerning the Home Depot was of great concern because it involved the relocation of Township facilities.
- On the issue of stopping development Mr. Mettler indicated he understood where Mr. Grosso and other citizens are coming from when they say stop development. Mr. Metter stated that if he could have stopped developed it would be done in the past. Further Mr. Mettler stated that the council over the years has attempted to decrease the impact on development by increasing the largest lot from 1 acre to 6 acres today. Finally, Mr. Mettler indicated that in the 1960 the Township was projected to grow to one hunderded thousand person yet changes the council has made over the years has resulted in the Township only growing to 50,000.00 half of that projected.

Mr. Mckenzie

- Commented on the September 15 , 2003 water hearing in Franklin Park school concerning the water problems and indicated that he thought the meeting was productive. Mr. Mckenzie indicated that he would like to see a faster response from the Department of Environmental Protection
- Commented on the annual assessment program and indicated that the Township should take a pause and review the practice of annual assessment. Mr. Mckenzie furher indicated that the there is a need to look at finding more equity in the system.
- Commented on the Pay to Play ordinance to be introduced by council and indicated that a number of other organization need to address this issues outside the Township to make the ordinance effective.

Ms. Ferguson:

- Comment on that she agree with the comments concerning the lack of coverage in local papers brought up by Ms Courtelyous
- Comment that she also would like to see the minutes for the meeting updated on the web site and commented the lag between the preparation of the minutes and meeting needs to decreased
- Commented that we need to promote to the existing business in and around the redevelopment area and still find ways to promote growth

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Mr. Upendra

- Commented that as a result of the closure of the Franklin Township Charter School, the Board of Education received one million dollars of funds earmark for the charter school. Mr. Chivicula requested that the Township council pass a resolution encouraging the board of education to use these funds for direct tax relief.

Mr. Levine:

- Comment on the issue of traffic near Rutgers Preparatory School, Mr. Levin indicated the Township is hampered by a number of state regulations which has resulted in the delay of fixing this problem.
- Responded to the request from Mr. Grosso to indicate what he has accomplished as a member of council Mr. Levin stated the following
 - Dunham lebed Park help with making sure the park was completed
 - Assisted in stopping the placement of Billboards along 287.
 - Was chairman of finance oversight committee and during his tenure the Township took some positive steps like hiring grants coordinator, economic development coordinator and a number of other initiatives to improve the financial position of the Township
 - Allocated money for the senior center curtains
 - Sponsored an good government ordinance
- Commented on the issue of redevelopment, Mr. Levin expressed concern that he has heard that the developer has attempted to strong arm property owners in the redevelopment area. Further, Mr. Levin indicated that communication has been a awful with members of council like himself not informed of development plans. Mr. Levin suggest now is the time to review the redevelopment plans and bring eminent domain back to the Township Council. Mr. Levin expressed his concerned about taking someone business without giving them the an equitable price for the property.

Shirley Eberlie

- Commented on the water hearing in Franklin Park and commented that we need to continue to light a fire under the agencies and companies involved in the water contamination to resolve this issue.
- Commented on the excellent job the Franklin Township Police Department is doing
- Commented the that the people in the Kingston area a happy about the purchase of the school
- Commented that we have to find a way to deal with the proposed Pay to Play ordinance and express concerns with the provision concerning children being restricted from campaign contributions
- Commented the that there was a wonderful affair last week that helped the Township raise money for the Library sponsored by the praise Korean Presperian church

Deputy Mayor Grippo

Commented concerning the discussion on redevelopment and encouraged council to request a presentation from a member of the Gateway Development Corporation if there is going to be a discussion the future of the redevelopment area and possible disbanding of the agency.

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Commented that Franklin Township took a giant step with the passage of the resolution to oppose the filing of the application to annually reassessment. Mr. Grippo indicated that it is important to take a break in annual assessments and conduct an analysis of the program.

Commented on the issue of communication and indicated that the Township is moving in the right direction with a number of communication vehicles 1. The council created a public relation committees to coordinate the dissemination of information. 2. The Township’s website and as indicated tonight there is a need to improve that vehicle. 3. The new Newsletter 3. Patriot media and the cable TV advisory committee who are providing more public assess.

Commented on the issue of signs indicating that no one from his party will place signs on utility poles nor interfere with opponents signs. Further state he will not place signs on public property, open space or other public property

Mayor Sumter

Commend he was glad to support the resolution on tax assessment so the Township could have a break to assess the situation.

Motion was made by Mr. Levine and seconded by Ms. Ferguson to introduce a revised ordinance regarding Chapter 3, Section 13 Procurement of Goods and Services – Add 5 – Prohibit Awarding Contracts to Certain Contributors. Acting Township Clerk Dashield polled the Board, the vote being as follows:

<u>NAYS</u>	<u>NAYS</u>	<u>AYES</u>	<u>ABSTAIN</u>
Mr. Chivukula	Mr. McKenzie	Ms. Ferguson	No One
Ms. Eberle	Mr. Mettler	Mr. Levine	
Mr. Grippo	Mayor Sumter	<u>ABSENT</u>	
		Ms. Barrier	

Motion was fails.

13. ORDINANCE INTRODUCTION - AMEND CODE – CHAPTER 3, SECTION 13 – PROCUREMENT OF GOODS AND SERVICES – ADD 5 – PROHIBIT AWARDDING CONTRACTS TO CERTAIN CONTRIBUTORS

Acting Township Clerk Dashield read by title:

“AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY ESTABLISHING PUBLIC CONTRACTING REFORM IN THE TOWNSHIP OF FRANKLIN – PROHIBIT AWARDDING PUBLIC CONTRACTS TO CERTAIN CONTRIBUTORS" which is presented to Council for adoption on first reading, posting, publication in accordance with law for public hearing on October 28, 2003.

Mr. Chivukula so moved. Ms. Eberle seconded the motion. Acting Township Clerk Dashield polled the Board, the vote being as follows:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>
Mr. Chivukula	Mr. Levine	No One	No One
Ms. Eberle	Mr. McKenzie		
Ms. Ferguson	Mr. Mettler	<u>ABSENT</u>	
Mr. Grippo	Mayor Sumter	Ms. Barrier	

Motion was carried.

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14. ORDINANCE INTRODUCTION – AUTHORIZE THE LEASE OF CERTAIN PREMISES TO THE MEADOWS FOUNDATION FOR MAINTENANCE OF THE TULIPWOOD PROPERTY - BLOCK 347/LOT 8 – DECEMBER 1, 2003 – NOVEMBER 30, 2032

Acting Township Clerk Dashield read by title:

"AN ORDINANCE AUTHORIZING THE LEASE OF CERTAIN PREMISES OWNED BY THE TOWNSHIP OF FRANKLIN IN THE COUNTY OF SOMERSET AND STATE OF NEW JERSEY, KNOWN AS BLOCK 347/LOT 8 TO THE MEADOWS FOUNDATION, INCORPORATED AS A HISTORICAL SITE AND OPEN SPACE (TULIPWOOD)" which is presented to Council for adoption on first reading, posting, publication in accordance with law for public hearing on October 28, 2003.

Mr. Chivukula so moved. Mr. Mettler seconded the motion. Acting Township Clerk Dashield polled the Board, the vote being as follows:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>
Mr. Chivukula	Mr. Levine	No One	No One
Ms. Eberle	Mr. McKenzie		
Ms. Ferguson	Mr. Mettler	<u>ABSENT</u>	
Mr. Grippo	Mayor Sumter		Ms. Barrier

Motion was carried.

15. ORDINANCE INTRODUCTION – AUTHORIZE LAND SWAP TRANSACTION (FRANKLIN TOWNSHIP PISTOL RANGE)

Acting Township Clerk Dashield read by title:

"AN ORDINANCE AUTHORIZING ACQUISITION OF LAND THROUGH LAND SWAP TRANSACTION BETWEEN THE TOWNSHIP OF FRANKLIN, SOMERSET COUNTY AND MICHAEL & ELLEN KANERAK (FRANKLIN TOWNSHIP PISTOL RANGE)" which is presented to Council for adoption on first reading, posting, publication in accordance with law for public hearing on October 28, 2003.

Mr. Chivukula so moved. Mr. Levine seconded the motion. Acting Township Clerk Dashield polled the Board, the vote being as follows:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>
Mr. Chivukula	Mr. Levine	No One	No One
Ms. Eberle	Mr. McKenzie		
Ms. Ferguson	Mr. Mettler	<u>ABSENT</u>	
Mr. Grippo	Mayor Sumter		Ms. Barrier

Motion was carried.

16. ORDINANCE INTRODUCTION – AMEND CODE – CHAPTER 226 – VEHICLE AND TRAFFIC, SECTION 226-30F – VIOLATION AND PENALTIES – INCREASE PENALTIES FROM \$100.00 TO \$250.00

Acting Township Clerk Dashield read by title:

"AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 226 - VEHICLES AND TRAFFIC, SECTION 226-30 HANDICAPPED PARKING – SUBSECTION F -VIOLATIONS AND PENALTIES

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(INCREASE PENALTIES)" which is presented to Council for adoption on first reading, posting, publication in accordance with law for public hearing on October 28, 2003.

Mr. Chivukula so moved. Mr. McKenzie seconded the motion. Acting Township Clerk Dashield polled the Board, the vote being as follows:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>
Mr. Chivukula	Mr. Levine	No One	No One
Ms. Eberle	Mr. McKenzie		
Ms. Ferguson	Mr. Mettler		<u>ABSENT</u>
Mr. Grippo	Mayor Sumter		Ms. Barrier

Motion was carried.

17. RESOLUTION – AMENDED CONSENT AGENDA**Read by Acting Township Clerk Dashield**

The items listed within the Consent Agenda portion of this meeting have been referred to the Township Council for reading and study, are considered routine and will be enacted by one motion of the Township Council with no separate discussion. If separate discussion is required, the item may be removed from the agenda by request of a Township Council member and placed on the regular agenda.

A. Tax Title Lien Redemptions:

Bell – Block 59.01/Lot 79 - 32 Bering Way - \$ 331.26

Loichle – Block 155/Lot 30 - 20 Wendham Place - \$3,041.44

Shiau – Block 183/Lot 87 – 113 Home Street - \$2,735.77(1999);
\$704.68(2000)

Secretary of Veteran Affairs – Block 241.01/Lot 24 – 11 Robert C. Keri
Court - \$348.30

Taylor – Block 241.01/27 – 5 Robert C. Keri Court - \$667.28

Crews – Block 344/Lot 26 – 2357 West Point Avenue - \$7,393.72

Cullen – Block 424.04/Lot 338 – 338 Smithwold Road - \$361.43

B. Tax Overpayments – Various**C. Tax Remittal – Block 485/ Lot 13 – 514 Nassau Street - \$2,088.61****D. FY 2004 – Temporary Emergency Budget****E. FY 2003 – Budget Transfers****F. Inspection Escrow Release-Eternal Life Christian Center – Docket # Z200008UP - \$1,8945.41****G. Plan Review Release:**

Cedar Grove Investments LLC – Docket # 2001-0066 - \$1,958.25

Omnipoint Communications – Docket # PLN2002-0050 - \$687.50

Northern Nurseries, Incorporated –Docket # PLN2001-0070 - \$7,193.75

~~H. Building Review Release – Victor Algeria – Docket #02-003 – \$112.50 (Previously released)~~**I. Performance Guarantee Reduction – Eternal Life Christian Center – Docket # Z200008UP - \$131, 816.40 to \$39,544.92****J. Performance Guarantee Reduction –Ten Mile Run Developers, LLC – Docket # PLN2002 – 0025 - \$511,500.00 to \$153, 450.00**

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- K. Refund Water Construction Escrow – Schifano Construction Corporation - \$1,880.50
- L. Purchase – Exception to Bid Threshold – Elizabeth Water Company – Municipal Fire Hydrant Service Fees –Amount Not to Exceed \$18,440.16
- M. Award Bid – Road Materials – Various Vendors – October 1, 2003 to September 30, 2005- Not to Exceed \$110,000 per year
- N. Award Bid – Communication Specialists – Service and Maintenance Public Works Radios – December 1, 2003 to November 30, 2004 - \$2,363.60 for maintenance/\$7,000.00 for service
- O. Purchase -State Contract – Motorola – Dispatch Console for Police - \$60,724.66
- P. Purchase – State Contract – Expanets – Maintenance Police Phone System – July 1, 2003 to June 30, 2004 – Not to Exceed \$10,761.72
- ~~Q. Amend Professional Services Contract – Dennis Kowal – Architectural Services Franklin Township Library – increase contract \$370,538.84~~
- R. Interlocal Agreement- North Brunswick Township – Emergency Back up Animal Control Services
- S. Grant Application and Agreement - New Jersey Department of Transportation – Handicapped Access Ramps – Winston Road Area - \$75,000.00
- T. Request For Grant Extension – New Jersey Department of Transportation
- U. Grant Agreement – Statewide Local ADA Compliance Grant – Municipal Building Entrance Doors - \$16,324.00
- V. Authorize Raffle

THE FOLLOWING ARE THE ITEMS OF THE CONSENT AGENDA:**A. 03-412 RESOLUTION - TAX TITLE LIEN 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:

<u>DATE OF SALE</u>	<u>BLOCK/LOT</u>	<u>NAME</u>	<u>AMOUNT</u>
June 10, 2003	59.01/79	BELL, DONTA 32 Bering Way Somerset NJ 08873	\$ 331.26
PAID:	September 5, 2003	CERT #03-051	
LIENHOLDER:	James Pilewski 3 Devon Lane	Warren NJ 07059	
June 10, 2003	155/30	LOICHLE, GARY & ELAINE 20 Wendham Place	\$3,041.44

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Somerset NJ 08873
PAID: September 5, 2003 CERT #03-093
LIENHOLDER: Almar
2 Kiel Avenue, #202 Kinnelon NJ 07405

June 10, 1999 183/87 SHIAU, STEPHEN \$2,735.77
June 08, 2000 113 Home Street 704.68
Somerset NJ 08873

PAID: September 5, 2003 CERT #99-0070; 20-55
LIENHOLDER: Wachovia CT/M.D. SASS
123 South Broad Street, PA1328 Philadelphia PA 19109

June 10, 2003 241.01/24 SECY OF VETERAN \$ 348.30
AFFAIRS
20 Washington Place
Newark NJ 07102
(11 Robert C. Keri Court)

PAID: September 4, 2003 CERT #03-149
LIENHOLDER: JNH Funding Corporation
90 Dayton Avenue, Bldg. 6C Passaic NJ 07055

June 10, 2003 241.01/27 TAYLOR, PRINCE & M. \$ 667.28
5 Robert C. Keri Court
Somerset NJ 08873

PAID: September 3, 2003 CERT #03-151
LIENHOLDER: James Pilewski
3 Devon Lane Warren NJ 07059

June 13, 2002 344/26 CREWS, MABLE \$7,393.72
2357 West Point Avenue
Somerset NJ 08873

PAID: September 5, 2003 CERT #020151
LIENHOLDER: Sequoia Investments
PO Box 5600 Woodbridge NJ 07095

June 13, 2002 424.04/338 CULLEN, JOAN BRIAN \$ 361.43
338 Smithwold Road
Somerset NJ 08873

PAID: September 8, 2003 CERT #020172
LIENHOLDER: James C. Older
87 East Mountain Road Hillsborough NJ 08844

B. 03-413 RESOLUTION - 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.

BLOCK/LOT	NAME/ADDRESS	QTR/YR	AMOUNT
424.04/470	COLLECTOR OF REVENUE 475 DeMott Lane Somerset NJ 08873	From Water 3/03	1,996.06
33.01/20	PATRICIA ROSELLO & PAUL JOHNSON 6 Butler Road Franklin Park NJ 08823	4/03	3,443.22
34.09/59.02 C0472	JACQUELINE REINBERRY 85 Sapphire Lane Franklin Park NJ 08823	4/03	251.05
171.02/71	SHAPIRO & DIAZ, LLP ATTORNEYS AT LAW	4/03	1,067.58

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	406 Lippincott Drive, Suite J Marlton NJ 08053		
205/22	CLAUDETTE WASHINGTON 23 Kee Avenue Somerset NJ 08873	1/03 2/03	922.10 58.43
417.02/444 C0031	VIKTOR PITRA 27 Norwich Place Somerset NJ 08873	4/03	509.23
424.04/11	GMAC MORTGAGE PO Box 780 Waterloo IOWA 50704-0780	4/03	815.07
424.04/470	PAUL CHOI 24 Smithwold Road Somerset NJ 08873	From Water 3/03	289.36

C. 03-414 RESOLUTION - TAX REMITTAL

WHEREAS, there appears on the books of the Collector of Revenue, taxes to be remitted as follows:

<u>YEAR</u>	<u>BLOCK/LOT</u>	<u>NAME</u>	<u>REASON</u>	<u>AMOUNT</u>
2004	485/13	TOWNSHIP OF FRANKLIN 475 DeMott Lane Somerset NJ 08873	Open Space	\$2,088.61

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, Somerset County that the Collector of Revenue be and she is hereby directed to remit the amount so stated.

D. 03-415 RESOLUTION – EMERGENCY TEMPORARY BUDGET - FISCAL YEAR 2004

WHEREAS, an emergent condition has arisen with respect to final adoption of the Fiscal Year 2004 Township of Franklin Budget which has not been adopted and adequate provision has not been made in Fiscal Year 2004 Temporary Appropriations for the aforesaid purpose, and NJSA 40A:2 provides for the creation of Emergency Temporary Appropriations for the purpose above mentioned; and

WHEREAS, the total Emergency Temporary Resolutions adopted in the Fiscal Year 2004 pursuant to the provisions of Chapter 96, P.L. 1951 (NJSA 40A:20) including this resolution totals \$22,493,872.00;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset and the State of New Jersey (not less than two-thirds of all the members thereof affirmatively concurring that in accordance with the provisions of NJSA 40A:20:

1. An Emergency Temporary Appropriation be and the same is hereby made for \$22,493,872.00;
2. That said Emergency Temporary Appropriations will be provided for in the Fiscal Year 2004 Budget under the title of:

TEMPORARY EMERGENCY BUDGET

<u>INSURANCE</u>	FROM	TO
Liability Insurance		
Other Expenses	266,253	400,000
Workers Compensation Insurance		
Other Expenses	6,750	13,000
Employee Group Insurance		
Other Expenses	1,055,221	2,000,000
Unemployment Insurance		
Other Expenses	-	-
<u>INTERLOCAL SERVICE</u>		
<u>AGREEMENTS</u>		

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Community Resource Summer CC		
Salaries & Wages		
Other Expenses		5,000
LLEBG		
Other Expenses		22,989
Matching Funds for Grants		
Other Expenses		2,554
Donation – Police Harley Davidson		
Other Expenses		3,000
Debt Service		
Payment of Bond Principal		750,000
Payment of Bond Interest		525,000
<u>Total General Appropriations</u>		15,881,932

WATER UTILITY

Health Benefits	115,050	125,000
Insurance – Other	44,000	50,000

Capital Outlay

Repayment of Loan Principal		131,000
Repayment of Loan Interest		71,750
Payment of Bond Principal		480,000
Payment of Bond Interest		98,200
Total		4,410,490

Water Utility Appropriation

OPEN SPACE

Salaries & Wages		60,000
Printing		100
Legal Costs		3,000
Professional Services		50,000
Contractual		100,000
Conferences & Meetings		100
Education & Training		250
Payment of Bond Principal		1,500,000
Payment of Bond Interest		431,000
Capital Improvement		25,000
Operating Expense		7,000
Purchase of Vehicles		25,000
Total Open Space		2,201,450

E. 03-416 RESOLUTION – TRANSFER OF APPROPRIATION RESERVES - FISCAL YEAR FY2003 BUDGET

BE IT RESOLVED by the Township Council of the Township of Franklin in the County of Somerset and State of New Jersey, that the following transfers be made from the Fiscal Year 2003 Municipal Budget Appropriations, now Appropriation Reserves:

<u>DEPARTMENT</u>	<u>FROM</u>	<u>TO</u>
Police Patrol		
Salaries & Wages	20,000.00	
Finance		
Salaries & Wages	10,000.00	
Planning Board		
Salaries & Wages	23,000.00	
Engineering		
Salaries & Wages	10,000.00	
Community Resources		
Salaries & Wages	6,100.00	
Clerk		

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Salaries & Wages	6,000.00	
Revenue Administration		
Salaries & Wages		4,000.00
Tax Assessor		
Salaries & Wages		6,000.00
Construction Code		
Salaries & Wages		23,600.00
Police Administration		
Salaries & Wages		4,000.00
911 Dispatch		
Salaries & Wages		7,000.00
911 Dispatch		
Other Expenses		1,500.00
Zoning Enforcement		
Salaries & Wages		5,000.00
Environmental Health		
Salaries & Wages		6,000.00
Fire Prevention		
Salaries & Wages		12,000.00
Municipal Court		
Salaries & Wages		6,000.00
Total		<u>\$75,100.00</u>

F. 03-417 RESOLUTION - RELEASE OF ESCROW MONIES – ETERNAL LIFECHRISTIAN CENTER – DOCKET NO. Z200008UP - \$1,845.41

WHEREAS, the Township of Franklin, Somerset County has received escrow monies for purposes of anticipated inspection fees as noted below; 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:	ETERNAL LIFE CHRISTIAN CENTR
ADDRESS:	322 Franklin Boulevard
	Somerset NJ 08873
DOCKET NO:	Z200008UP
BLOCK/LOT:	284/1-14
LOCATION:	322 Franklin Boulevard
AMOUNT DEPOSITED:	\$6,295.41
AMOUNT CHARGED:	<u>4,450.00</u>
AMOUNT TO BE REFUNDED:	\$1,845.41

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.

G. 03-418 RESOLUTION - RELEASE OF PLAN REVIEW ESCROW - VARIOUS

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

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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: OMNIPOINT COMMUNICATIONS, INCORPORATION

ADDRESS: 64 Washington Street, CN 2015 Toms River NJ 08754

DOCKET NO: PLN2002-0050

BLOCK/LOT: 259/36.01 LOCATION: 575 Easton Avenue

AMOUNT DEPOSITED: \$1,000.00 Plan Review

AMOUNT CHARGED: 312.50

AMOUNT TO BE REFUNDED: \$ 687.50

APPLICANT: NORTHERN NURSURIES, INCORPORATED

ADDRESS: 487 Elizabeth Avenue Somerset NJ 08873

DOCKET NO: PLN2001-0070

BLOCK/LOT: 507/60.01 LOCATION: 487 Elizabeth Avenue

AMOUNT DEPOSITED: \$7,500.00 Plan Review

AMOUNT CHARGED: < 306.25 >

AMOUNT TO BE REFUNDED: \$7,193.75

APPLICANT: CEDAR GROVE INVESTMENTS, LLC

ADDRESS: 1411 State Rout 35 North Ocean NJ 07712

DOCKET NO: PLN2001-0066

BLOCK/LOT: 424.02/23.01 LOCATION: 12 Cedar Grove Lane
CME Associates

AMOUNT DEPOSITED: \$3,000.00 Planning \$7,000.00 Plan Review

AMOUNT CHARGED: 2,307.00 5,734.75

AMOUNT TO BE REFUNDED: \$ 693.00 \$1,265.25

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.

H. Removed from Agenda**I. 03-419 RESOLUTION - PERFORMANCE GUARANTEE RELEASE – ETERNAL LIFE CHRISTIAN CENTER – DOCKET NO. Z200008UP - \$131,816.40**

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

ITEM: PERFORMANCE GUARANTEE

NAME OF APPLICANT: ETERNAL LIFE CHRISTIAN CENTER

ADDRESS OF APPLICANT: 322 Franklin Boulevard
Somerset NJ 08873

NUMBER: Bank Check No 389340746

INSURANCE COMPANY: Fleet Bank

IN THE AMOUNT OF: \$131,816.40

FOR: Site Improvements for Docket No. Z200008UP - Block 284/1-14, 322 Franklin Boulevard;
and

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

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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, Somerset County, New Jersey that the aforesaid Performance Guarantee be released.

J. 03-420 RESOLUTION - PERFORMANCE GUARANTEE REDUCTION – TEN MILE RUN DEVELOPERS, LLC - DOCKET NO. PLN2002-0025 - \$511,500.00

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: TEN MILE RUN DEVELOPERS, LLC

ADDRESS OF APPLICANT: 812 Central Avenue
Westfield NJ 07090

NUMBER: 725-SB

INSURANCE COMPANY: Union Center National Bank
2455 Morris Avenue Union NJ 07083

IN THE AMOUNT OF: \$511,500.00

FOR: Site Improvements for Docket No. PLN2002-0025 - Block 20.02/Lot 12.02, 12.04 & 13.01, South Middlebush Road; and

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

WHEREAS, the Township Engineer, after inspection, recommends reduction of the aforesaid Performance Guarantee in the amount of \$358,450.00 or 70% of original bond;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, Somerset County, New Jersey that the aforesaid Performance Guarantee be released upon receipt of a performance guarantee in the amount of \$153,450.00.

K. 03-421 RESOLUTION - RELEASE OF CONSTRUCTION WATER METER ESCROW MONIES

WHEREAS, the Township of Franklin, Somerset County has received escrow monies for purposes of utilizing fire hydrants for construction water as required by **Section 236-11 of the Code**; and

WHEREAS, the project has been completed and the Director of the Water Division of the Department of Public Works, has certified to the Township Clerk the amount of money actually due for said construction water and has recommended that the balance remaining as set forth be returned to the applicant:

APPLICANT: SCHIFANO CONSTRUCTION CORPORATION

ADDRESS: One Smalley Avenue PO Box 288
Middlesex NJ 08846

AMOUNT DEPOSITED: \$2,145.00

AMOUNT TO BE DEPOSITED IN WATER ACCOUNT
FOR SERVICE CHARGE & WATER USAGE

\$ 264.50

AMOUNT TO BE REFUNDED:

\$1,880.50

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

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

L. 03-422 RESOLUTION - AUTHORIZE PURCHASE - EXCEPTION TO BID THRESHOLD/OVER \$4,500.00 - ELIZABETHTOWN WATER COMPANY - MUNICIPAL FIRE SERVICE FEES - AN AMOUNT NOT TO EXCEED \$18,440.16 - JULY 1, 2003 TO JUNE 30, 2004

WHEREAS, the Township of Franklin desires to purchase items as follows which are an exception to the bid threshold as set forth in NJSA 40A:11-5(2) but which exceed the limits set forth in Chapter 3, Section 3-13; and

VENDOR: ELIZABETHTOWN WATER COMPANY
600 South Avenue POB 788
Westfield NJ 07091-0788

ITEMS: Water Service for Fire Hydrants in the South Bound Brook and Kingston areas, Elizabethtown owned water mains:

@ \$1,536.68 per month from July 1, 2003 to June 30, 2004
Total \$18,440.16

COST: Not to exceed \$18,440.16; and

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

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

M. 03-423 RESOLUTION - AWARD BID - ROAD MATERIALS – VARIOUS VENDORS - OCTOBER 1, 2003 TO SEPTEMBER 30, 2005 – TOTAL AMOUNT FOR ALL VENDORS NOT TO EXCEED \$110,000.00 PER YEAR

WHEREAS, a notice to bidders for the receipt of bids for Road Materials was published in the Courier News on July 31, 2003 and on the Township Website for receipt August 21, 2003.

BE IT RESOLVED by the Township Council of the Township of Franklin, Somerset County, New Jersey that the following bids be awarded for the two-year period from the date of notice to proceed:

			Tilcon	Pinnacle	Garden State Asphalt	Trap Rock	Stavola
Item No.	Description	FOB / Delivered	Unit Price	Unit Price	Unit Price	Unit Price	Unit Price
1	Core Stone	FOB				\$ 8.25	
2	Quarry Process Stone 1" or 3/4"	FOB		\$ 5.75			
3	Clean Stone #57 3/4"	FOB		\$ 6.75			
4	Quarry Process Stone 1 1/2"	FOB		\$ 6.25			
5	Concrete Sand	FOB		\$12.75			
6	Dense Grade Aggregate Base	FOB		\$ 6.00			
7	Double Washing 3/4" Size 8	FOB				\$14.00	

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8	Type RR, Stockpile, Base Mix	FOB	\$ 8.65				
9	MABC Mix 1-5	FOB					\$28.00
10	Stabilized Base Mix 1-2	FOB					\$26.50
11	Winter Mix	FOB					\$45.00
12	UPM Hi-Perform Cold Mix	FOB					\$85.00
1a	Core Stone	Delivered				\$10.75	
2a	Quarry Process Stone 1" or ¾"	Delivered				\$ 9.00	
3a	Clean Stone #57 ¾"	Delivered		\$11.65			
4a	Quarry Process Stone 1 ½"	Delivered					\$ 9.05
5a	Concrete Sand	Delivered		\$12.75			
6a	Dense Grade Aggregate Base	Delivered					\$ 9.55
7a	Double Washing ¾" Size 8	Delivered				\$18.00	
8a	Type RR, Stockpile, Base Mix	Delivered	\$12.50				
9a	MABC Mix 1-5	Delivered					\$32.00
10a	Stabilized Base Mix 1-2	Delivered					\$30.50
11a	Winter Mix	Delivered					\$49.00
12a	UPM Hi-Perform Cold Patch	Delivered					\$89.00

1	GSV Anionic Emulsified Asphalt RS-2FDA					\$ 1.25	
2	Liquid Asphalt Grade MC-70FDA					\$ 1.50	

BE IT FURTHER RESOLVED that the Mayor and the Township Clerk be and the same are hereby authorized to enter into a contract with the above listed companies; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified hereon that funds are available; and

BE IT FURTHER RESOLVED that the terms of this contract are contingent upon availability of funds in the FY2003 Temporary Budget and the FY2004 Budget, and in the event of unavailability of such funds, the Township of Franklin reserves the right to cancel this contract.

N. 03-424 RESOLUTION - AWARD BID/CONTRACT EXTENSION – COMMUNICATION SPECIALISTS – SERVICE & MAINTENANCE OF DEPARTMENT OF PUBLIC WORKS RADIOS - AN AMOUNT NOT TO EXCEED \$2,363.60/MAINTENANCE; \$7,000.00 / SERVICE

WHEREAS, by resolution adopted October 10, 2000 sealed bids were received and awarded to Communication Specialists for Service and Maintenance of Radios for the Department of Public Works; and

WHEREAS, a need exists to extend said contract for the period December 1, 2003 to November 30, 2004;

BE IT RESOLVED by the Township Council of the Township of Franklin, Somerset County, New Jersey that the following bids be awarded:

COMMUNICATIONS SPECIALISTS, INCORPORATED
11C Harts Lane

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East Brunswick NJ 08816

An amount not to exceed \$2,363.60 for Maintenance / \$7,000.00 for Service for the period December 1, 2003 to November 30, 2004; and

BE IT FURTHER RESOLVED that the Mayor and the Township Clerk be and the same are hereby authorized to enter into a contract with the above listed companies.

O. 03-425 RESOLUTION - AUTHORIZE PURCHASE UNDER STATE CONTRACT – MOTOROLA, INCORPORATED – DISPATCH CONSOLE EQUIPMENT FOR POLICE DEPARTMENT - AN AMOUNT NOT TO EXCEED \$60,724.66

WHEREAS, the Township of Franklin desires to purchase items as follows through State Contract, which items exceed the prevailing bid threshold:

VENDOR: MOTOROLA, INCORPORATED
PO Box 255
Cream Ridge NJ 08514-025
State Contract No. A53804

ITEMS: Dispatch Console for Police Department
COST: An amount not to exceed \$60,724.66

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.

P. 03-426 RESOLUTION - AUTHORIZE PURCHASE UNDER STATE CONTRACT – EXPANETS, INCORPORATED – MAINTENANCE FOR POLICE DEPARTMENT PHONE SYSTEM – JULY 1, 2003 TO JUNE 30, 2004 - AMOUNT NOT TO EXCEED \$10,761.72

WHEREAS, the Township of Franklin desires to purchase items as follows through State Contract, which items, when combined with other purchases, exceed the prevailing bid threshold:

VENDOR: EXPANETS, INCORPORATED
PO Box 173868
Denver CO 80217-3868
State Contract No. A42285

ITEMS: Maintenance of Police Department Phone System for Township of Franklin, Somerset County
COST: Total amount not to exceed \$10,761.72

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; and

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

Q. Removed from Agenda

WORK SESSION/REGULAR MEETING – SEPTEMBER 23, 2003**R. 03-427 RESOLUTION – AGREEMENT – INTERLOCAL SERVICES – TOWNSHIP OF NORTH BRUNSWICK – ANIMAL CONTROL SERVICES – APRIL 1, 2003 TO DECEMBER 31, 2003**

BE IT AND IT IS HEREBY RESOLVED that the Mayor and Township Clerk are hereby authorized to execute on behalf of the Township Council interlocal service agreements with the Township of North Brunswick as permitted by NJSA 40:8A-1 et. seq. for Animal Control Services for the period April 1, 2003 to December 31, 2003.

S. 03-428 RESOLUTION - AUTHORIZE GRANT APPLICATION & AGREEMENT FOR STATE AID TO COUNTIES & MUNICIPALITIES UNDER THE NEW JERSEY TRANSPORTATION TRUST FUND AUTHORITY ACT & LOCAL BRIDGE BOND ACT – HANDICAPPED RAMPS IN THE VICINITY OF WINSTON ROAD

BE IT RESOLVED that application is hereby made to the Commissioner of Transportation for an allotment of aid under the New Jersey Transportation Trust Fund Authority Act, the Bridge Bond Act, or a combined allotment for seventy four (74) handicapped ramps to be constructed in the vicinity of Winston Road to included the following:

Winston Road and the Intersection of: Fulton Road (3); Montrose Road; Kingsbridge Road; Drake Road; Surrey Road; Gifford Road; Foxwood Drive; Apartments (3); Conerly Road; Hart Road; and Drake Road

Drake Road and the Intersection of: Grier Road; Conerly Road (4); Link Road; Tunnell Road; Gifford Road; Layne Road; Patton Drive; Heinrich Road; MacAfee Road; Maynard Road; Maynard & Surrey Roads; Abbott Road; Conerly and Grier Roads Maynard & King; Maynard & Patton

Gifford Road and the intersection of: Patton Road; King Road

Foxwood Drive and the intersection of: Cortland Drive; Hunt Road; Appleman Road; Petty Road; Shelly Drive; Hamlet Court

In the Township of Franklin, County of Somerset and State of New Jersey as approved by the Commissioner of Transportation. The total cost estimated for this improvement is \$75,000.00. The Sponsor requests \$75,000.00 State funds and anticipates contributing engineering (in-house);

BE IT FURTHER RESOLVED that any aid received as a result of this application will be used only for eligible costs for the project.

Type of Improvement:

Handicapped Ramps

Scope of Work:

Funds are requested to construct seventy four (74) handicapped ramps in the Winston Drive vicinity of the Township as outlined above. Approximately 1,000 Grade k-6 students attend school at Conerly Road and MacAfee Road Schools, elementary school is adjacent to the neighborhood. A large apartment complex of several hundred units is also located in the neighborhood. The facilities generate substantial vehicular and pedestrian traffic. Improved intersections will make travel to and from the schools safer and reduce potential pedestrian-vehicle conflict. The streets are located in a residential community of modest homes in the Somerset section of the Township.

Total Estimated Cost of Improvement: (Detailed Cost Estimate Attached)

Construction Cost	\$75,000.00
Design Engineering	\$ (In-House)
Right-of-Way Costs	\$ -0-
Construction Inspection and Material Testing if requesting (10% of final allowable construction cost maximum)	\$ -0-
Total Estimated Cost	\$75,000.00

Project Information

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Is utility work planned within the project limits over the next five (5) years	No
Is the purchase of right-of-way required before the start of construction	No
Does the project intersect a State Highway	No
Is there a railroad crossing within the project limits	No
Is there a railroad crossing 100 feet outside of the project limits	No
Will the construction impact traffic across a railroad crossing outside the project limits?	No

BE IT FURTHER RESOLVED that if this application is approved and accepted by the New Jersey Department of Transportation (the Department"), the Sponsor agrees that:

- (a) It shall arrange for financing the total cost of the project provided for in this Agreement.
- (b) It recognizes and agrees that continuation of funding under this Agreement is expressly dependent upon the availability to the Department of funds appropriated by the State Legislature from State Revenue or such other funding sources as may be applicable. The Department shall not be held liable for any breach of this Agreement because of the absence of available funding appropriation.
- (c) In the event that the Department approves funds in an amount less than requested, the Sponsor, at its option, (1) may either rescind this Agreement or (2) continue with the project and assume the entire difference between the total cost of the project and the allotment of State Funds or (3) reevaluate the project limits or scope and submit a revised Resolution, Application, and Agreement for Department approval. In the event the Sponsor rescinds the Agreement, the allotted funds shall revert to the source of the funding.
- (d) The Sponsor must notify the Department of its rescision of this Agreement within sixty (60) days of its receipt of notification of the amount allotted by the Department.
- (e) Any purported transfer or assignment of the written obligations of the Sponsor contained herein without prior approval of the Department shall be void.
- (f) Failure to comply with all provisions contained in this Resolution, Application and Agreement may result in the suspension and/or termination of funding as defined and enumerated in the Office of Management & Budget's Circular 89-19.
- (g) The work to be performed by the Sponsor under this Agreement shall include but not be limited to the following:
 - (1) Preparation of contract drawings and supplementary specifications;
 - (2) The acquisition of all necessary right-of-way, easements, slope rights and permits;
 - (3) Construction of the above referenced improvement;
 - (4) Monitoring and supervising compliance with all provisions of this agreement.
- (h) It shall defend, indemnify, protect and save harmless the State and its officers, agents, servants and employees from and against any and all suits, claims, demands or damages of whatsoever kind or nature arising out of, or claimed to arise out of, any act, error or omission of the Sponsor, its consultants, contractors, agents, servants and employees in the performance of the work of the project including, but not limited to, expenditures for costs of investigations, hiring of expert witnesses, court costs of investigations, hiring of expert witnesses, court costs, counsel fees, settlements and judgements.

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- (i) It will engage a Professional Engineer, registered in the State of New Jersey, for design services on the project. In its agreements for professional services, the Sponsor shall require the provision of professional liability insurance or errors and omissions insurance sufficient to protect against liabilities arising out of the professional obligations performed pursuant to the agreements.
- (j) In its agreements for professional and non-professional services, the Sponsor shall require the provision of public liability insurance and every such policy shall include the Sponsor and the State as additional named insured.
- (k) All design work shall conform to applicable American Association of State Highway and Transportation Officials (AASHTO) design criteria and the Department's Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines. The design of traffic barriers and drainage systems shall conform to the Department's Roadway Design Manual. No deviation shall be allowed without the knowledge of the Department. If there is deviation from those standards, the Sponsor shall accept any and all responsibility for any injury or damage by such deviation to any person or property and shall indemnify the

State as outlined in this Agreement. All designs shall also conform to the current "Manual on Uniform Traffic Control Devices" published by Federal Highway Administration.
- (l) It shall provide all maps, reports, detailed plans, supplementary specification and contract documents required by the Department.
- (m) All workmanship and materials shall conform to current "New Jersey Department of Transportation Standard Specifications for Road and Bridge Construction" as amended for State Aid.
- (n) It is the responsible authority, without recourse to the State, regarding the settlement and satisfaction of contractual and administrative issues arising out of the procurement entered in support of this funding.
- (o) Prior to advertising for bids, the Sponsor shall notify the Department if it intends to substantially change the scope of the project proposed in the Resolution, Application and Agreement. No substantial change shall be included in the project unless approved by the Department.
- (p) Any changes in work after the award of contract shall be documented with a Department approved change order.
- (q) Fifteen (15) calendar days prior to advertisement, the Sponsor shall submit the following to the Division of Local Government Services and Economic Development:
 - (1) One (1) copy of the contract plans, specifications, engineer's estimate and engineer's design certification
 - (2) Other documents as required.
- (r) It shall advertise and award the contract in accordance with the provisions of the **Local Public Contracts Law, NJSA 40A:11-1 et seq.**
- (s) It shall comply with all applicable Federal, State and Local laws, rules, ordinances and regulations.
- (t) Within thirty (30) calendar days of construction bids, unless the Department grants an extension of this time, the Sponsor shall submit the following to the Division of Local Government Services and Economic Development:

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- (1) Two (2) copies of the summary of construction bids;
 - (2) A resolution awarding the contract to the lowest responsible bidder submitting a responsive bid, subject to the approval of the Department.
- (u) It shall award a construction contract for the project within twelve (12) months of approval of this resolution, application and agreement by the Department. The Department in its sole discretion, may grant an extension of this twelve (12) month period after receiving a fully documented request from the Sponsor. The Department may cancel the funds allotted to the project if the Sponsor does not award the construction contract within the specified time.
- (v) Upon prior approval of the Department, it may elect to undertake the work through the use of its own forces when it is deemed applicable and appropriate.
- (w) Neither design costs, the cost for acquisition of all necessary right-of-way, easements, slope rights, and permits nor utility costs shall be considered costs of the project for purposes of computation of the allocation of State Aid funds under this application except in special hardship cases as approved by the Department.
- (x) State participation in the cost of the project shall not exceed the lesser of either one hundred (100%) percent of the cost of the complete construction work including eligible construction supervision, inspection and material testing or the original allotment. State participation in inspection and material testing costs shall be limited to ten (10%) percent of the eligible construction work cost. The State shall not participate in costs that the Department determines to be beyond the scope of the purposes of the allotment, excessive or otherwise unallowable. The Sponsor shall be afforded an opportunity to challenge this determination at an informal hearing.
- (y) At the discretion of the Commissioner of Transportation, payment of the allotted funds may be made to the project Sponsor in the form of a grant. Grant payments shall be made as follows:
- (1) For Municipal Aid, Centers of Place, Bikeways, Pedestrian Safety and Discretionary Aid Programs, a specified percentage as determined by the Commissioner, of the lesser of the eligible award amount or allotted amount shall be paid at the time of concurrence in the award of contract by the Department. The remaining percentage or balance of funds shall be paid upon submission of a final voucher with supporting information as required by the Department. The final voucher must be submitted to the Department within six (6) months of project completion.
 - (2) For County Aid, the full amount of the annual allotment amount shall be paid upon approval of the Capital Transportation Plan (CTP) and the execution of this Agreement
 - (3) If the Sponsor requests, project funding can be on a reimbursement basis. It shall request reimbursement from the Department by submitting vouchers supplied by the Department. Progress payment of not less than \$50,000.00 may be made. The final voucher, with supporting information as required by the department, is to be submitted within six (6) months of project completion.
- (z) The Sponsor hereby certifies that all allotted funds shall only be spent on eligible costs for the approved project(s) as described in this Agreement.
- (aa) In the event allotted funds remain after completion of the work, the remaining funds shall revert to the Transportation Trust Fund and shall be reallocated by the Department in a manner determined solely by the Commissioner of Transportation.

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- (bb) In the event that the Department determines that it has reimbursed the Sponsor in an amount in excess of the funds actually due under this Agreement, the Sponsor shall, upon notice from the Department, make timely repayments to the State. Upon failure of the Sponsor to timely repay such funds, the State is hereby authorized by this Agreement to deduct those funds from any monies due the Sponsor under the terms of any agreement between the State, its Department and agencies and the Sponsor or to gain reimbursement through any other remedies available at law or equity.
- (cc) It shall provide cost certification and maintain financial records relating to all costs for the project in accordance with **NJAC 16:20A or 16:20B**, as applicable, and comply with State of New Jersey audit requirements specified therein
- (dd) It will maintain complete documentation of the project for the period of three (3) years after receiving final reimbursement or payment by the State.
- (ee) It shall maintain the complete project in a manner satisfactory to the Department; and

BE IT FURTHER RESOLVED that the Mayor and Township Clerk are hereby authorized to execute and attest this Resolution, Application and Agreement.

T. 03-429 RESOLUTION – REQUEST FOR GRANT EXTENSION – NJ DEPARTMENT OF TRANSPORTATION – PROJECT AWARD DATES

WHEREAS, Franklin Township has been awarded several grants from the New Jersey Department of Transportation, and

WHEREAS, implementation of some projects has been delayed, and

WHEREAS, the NJDOT Local Aid and Economic Development Office has asked the Township to officially request an extension of the award dates for the projects; and

NOW, THEREFORE, BE IT RESOLVED that the Township request that the award dates of the outstanding projects be as follows:

Cortelyous Lane/Bennetts Lane (2002)	05/04
Franklin Boulevard Sidewalks (2001)	04/04
Kingston Village Pedestrian Access (2002)	12/03

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Local Aid And Economic Development Local Aid District #1 Office.

U. 03-430 RESOLUTION - GRANT AGREEMENT – NJDCA – ADA COMPLIANCE GRANT – ADA IMPROVEMENTS AT THE MUNICIPAL BUILDING - \$16,324.00

WHEREAS, the Township of Franklin, Somerset County, New Jersey, has been awarded an ADA Compliance Grant from the New Jersey Department of Community Affairs in the amount of \$16,324.00 for ADA improvements at the Municipal Building, 475 DeMott Lane, Somerset NJ;

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 execution of the grant agreement from the Department, and also, upon receipt of the full

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executed agreement from the Department, does further authorize the expenditure of such funds pursuant to the terms of said agreement between the Township of Franklin and the New Jersey Department of Community Affairs; and

BE IT FURTHER RESOLVED that the persons whose names, titles and signatures appear below are authorized to sign the agreement and any other documents necessary in connection therewith.

/S/ _____
Marc D. Dashield, Acting Township Clerk

/S/ _____
Willis F. Sumter, Mayor

V. 03-431 RESOLUTION - AUTHORIZE RAFFLE/BINGO

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

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

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

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

<u>NAME OF ORGANIZATION</u>	<u>DATE OF RAFFLE/BINGO</u>
Womens' Army Corps Veterans Assoc Penn-Jersey Chapter 74 13 Maple Lane, Whitehouse Station, NJ On-Premise Raffle – RL#1399 Drawing: McAteer's Restaurant, Somerset	October 25, 2003 11:00 a.m. – 4:00 p.m.
Central Jersey Spinal Cord Association 17 Jefferson Avenue, New Brunswick, NJ 08901 Off-Premise 50/50 – RL#1400 Drawing: DoubleTree, Somerset, NJ	October 31, 2003 7:00 p.m.
Carrier Foundation Auxiliary P.O. Box 147, Route 601, Belle Mead, NJ 08502 On-Premise Raffle – RL#1401 On-Premise 50/50 – RL#1402 Drawings: McAteer's Restaurant, Somerset	October 25, 2003 12:00 p.m. – 4:00 p.m.
Ananda Mandir, Inc. 269 Cedar Grove Lane, Somerset, NJ 08873 Off-Premise Raffle – RL#1403 Drawing: 269 Cedar Grove Lane, Somerset	April 18, 2004 2:00 p.m.

Motion was made by Mr. Chivukula and seconded by Mr. McKenzie to approve the items of the foregoing Amended Consent Agenda. Acting Township Clerk Dashield polled the Board, the vote being as follows:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>
Mr. Chivukula	Mr. Levine	No One	No One
Ms. Eberle	Mr. McKenzie		
Ms. Ferguson	Mr. Mettler		<u>ABSENT</u>
Mr. Grippo	Mayor Sumter		Ms. Barrier

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Motion was carried.

RESOLUTION - MEETING NOT OPEN TO PUBLIC - NEW JERSEY OPEN PUBLIC MEETINGS ACT, NJSA 10:4-12

Read by Acting Township Clerk Dashield

WHEREAS, the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey is subject to certain requirements of the **Open Public Meetings Act, NJSA 10:4-6, et seq.**; and

WHEREAS, **Open Public Meetings Act, NJSA 10:12**, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by resolution; and

WHEREAS, it is necessary for the Township Council of the Township of Franklin to discuss in a session not open to the public certain matters relating to the item or items authorized by **NJSA 10:4-12b** and designated below:

Matters Relating to Litigation, Negotiations and the Attorney-Client Privilege: Any pending or anticipated litigation or contract negotiation in which the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, assembled in public session on this 23rd day of September, 2003, that an Executive Session closed to the public shall be held on September 23, 2003, at 11:05 pm in the Franklin Township Municipal Complex, 475 DeMott Lane Somerset New Jersey for the discussion of matters relating to the specific items designated above.

It is anticipated at this time that the above-stated subject matter will be made public with respect to litigation, negotiation, collective bargaining and Attorney-Client Privilege at the conclusion of said litigation or negotiations.

This Resolution shall take effect immediately.

Motion was made by Mr. Chivukula and seconded by Mr. McKenzie. Council adjourned to Executive Session at 11:05 p.m. Meeting was resumed and was immediately adjourned at 11:28 p.m.

WILLIS 'RICKEY' SUMTER
MAYOR

MARC D. DASHIELD
ACTING TOWNSHIP CLERK