

The Work Session/Regular Meeting of the Township Council of the Township of Franklin, County of Somerset, New Jersey, was called to order by Mayor Levine at 7:08 p.m.

Mayor Levine called the Work Session/Regular Meeting of the Township Council to order. Mayor Levine stated "In accordance with Section 5 of the Open Public Meeting Act, Chapter 231, Public Law 1975, be advised that adequate notice of this Work Session/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 Work Session/Regular Meeting would take place at the Municipal Complex at 7:00 p.m. on August 11, 2009. 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 present participated in the Pledge of Allegiance and Councilwoman Eberle led the Invocation.

The Deputy Township Clerk called the roll.

Present: Ms. Danile (arrived at 7:27 pm), Ms. Eberle, Ms. Francois (arrived at 7:13 pm), Deputy Mayor Glicklich, Mayor Levine, Mr. Mettler, Mr. Prasad, Mr. Vassanella

Absent: Mr. Sumter

Also present: Leslie G. London, Township Attorney, Donna Vieiro, Assistant Township Manager, Ann Marie McCarthy, Township Clerk

PROCLAMATION

Breast Cancer Awareness Month

Mayor Levine read the following proclamation:

WHEREAS, October is National Breast Cancer Awareness Month. Since the program began in 1985, mammography rates have more than doubled for women age 50 and older and breast cancer deaths have declined; and

WHEREAS, National Breast Cancer Month remains dedicated to increasing public knowledge about the importance of early detection of breast cancer, diagnosis and treatment; and

WHEREAS, many women still do not utilize mammography at regular intervals even though research indicates it is the best available method of detection; and

WHEREAS, the awareness campaign is sending out several key messages, most notably, the importance of early detection through annual mammography screening for women over 40; and

WHEREAS, the National Cancer Institute estimates in the United States, more than 180,000 new cases of breast cancer will be diagnosed this year and over 42,000 people will die; and

WHEREAS, taking advantage of early detection methods such as mammography and clinical breast exams could help the breast cancer death rate drop by approximately 30%; and

WHEREAS, the American Cancer Society has searched endlessly for a cure through vital research, and has the mammoth task of educating our community and all Americans of the risks of breast cancer. Its many volunteers offer support in the form of support groups, accommodations and transportation assistance, medical equipment and more.

NOW, THEREFORE, I, BRIAN D. LEVINE, MAYOR of the Township of Franklin in the County of Somerset, State of New Jersey, on behalf of the Township Council do hereby recognize **October 2009 as Breast Cancer Awareness Month** and urge all women and their families to get the facts about breast cancer and join us to celebrate successes and memorialize lost battles.

MAYOR'S REPORT

Mayor Levine gave the following report:

- Welcomed those attending the meeting and those watching the meeting on television.
- Thanked all the FTTV-25 volunteers and staff.
- Gave a brief overview of how the meeting would be conducted.
- Reminded all meetings are public. Council meetings generally are held on the 2nd and 4th Tuesdays of the month. Public is invited and encouraged to attend.
- One can see listings on FTTV-25 and the Township website. On the Township's website, one can sign up for updates of meetings, minutes, etc. One can view the agenda with pending ordinances and resolutions.
- Referred to his mug from the Rutgers Community Christian Church's 30th Anniversary celebration held on Friday, September 11th.
- Thanked the Fire and Emergency Services for the 9/11 Ceremony and thanked St. Matthias Church for allowing the use of their facilities.
- Reported the Library had a program with Coach Herman Boone on September 17th. His inspiring story is reflected in the movie *Remember the Titans*.
- Reported Congressman Holt held a town hall meeting on September 12th where Deputy Mayor Glicklich was the emcee.
- Reported he attended the NJ Conference of Mayors on September 12th at no cost to the taxpayers.
- Reported NJ Commissioner Richman of the Department of Community Affairs attended the opening of the affordable housing units on Berry Street.
- Reported that Navroti, Hindu festival is continuing at the Garden State Exhibit Center. Councilman Prasad and Mayor Levine attended the opening on September 18th.
- Announced the Sisters Network Breast Cancer Walk is October 3rd.

DEPUTY MAYOR'S REPORT

Deputy Mayor Glicklich reported the Town Meeting went well. He explained the pre-question format was used to allow answering more questions. It was well attended. Congressman Holt took unanswered questions with him to answer at a later time.

Deputy Mayor Glicklich reported the Financial Oversight Committee discussed a potential payment plan. The following was discussed:

- a. Only those business and industrial taxpayers whose 2009 assessment was at least 50% higher than the 2008 assessment;
- b. A requirement that the installment payments be paid out in equal quarterly payments through December 2010;

- c. A provision that the interest for these plans shall be limited to 8%;

A resolution will be drafted for the next meeting.

PUBLIC DISCUSSION

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

Courtney Throckmorton, 591 Somerset Street, spoke of the over assessment issue and how small businesses are hurting. He spoke of the overcrowding issue in the 4th and 5th wards. He expressed his feeling that Council does not address or solve problems and are not listening to the public.

Michael Kalafer, 582 Post Lane, spoke of the recent violence in the Township and the need for Council to take action and hire additional police officers. He spoke of the need of a curfew for those under 18 years of age. He stated he looks forward to how these issues are addressed in the Matrix operational audit.

Rozalyn Sherman, 529 Rosecliff Court, 2nd Ward, questioned the need for a chess instructor. Deputy Mayor Glicklich replied the program is self funded.

Dave Gallagher, 7 Clubhouse Road, spoke of the deer situation in the Township that is a quality of life, public safety and health issue. He stated there have been 400 accidents in 3 years. They bring accidents, Lyme disease and financial impact to the township. He urged Council to address the deer problem and asked for an answer. A brief discussion between Mr. Gallagher and Council ensued regarding issues and solutions involving the deer problem. Mr. Vassanella asked that the deer issue be placed on the next Public Safety agenda in October and they will bring back some recommendations for Council consideration.

Pat Giannotto, 602 Hamilton Street, recommended Council involve the Division of Fish and Game when addressing the deer problem. He asked for help regarding Hamilton Street and invite Council to come to Hamilton Street to see what is going on.

Ted Chase, 159 Old Georgetown Road, thanked Council for the Matrix report being published on the website. He noted Princeton Borough hired an outside firm with sharp shooters to address their deer problems, noting it is the most effective method.

Phil Kramer, 429 Canal Road, Council candidate, agreed that culling deer is most effective and spoke of a hunting rally. He followed up with the proposed closing of the East Millstone Post Office noting that a resolution and petition was submitted and he received a letter from Congressman Holt.

Mark Greico, 21 Cooper Avenue, spoke on the overcrowding issue and the illegal housing problems in the Township. He agreed there is a deer problem and spoke of the two recent shootings in the Township.

Mr. Vassanella responded to the concerns in connection with the two recent shootings in the Township. He stated one suspect is in custody. He commended the Police Department for their quick response. He stated the Township has tried a curfew. He noted cameras and lighting is important. He stated there is a need to replace patrolmen on the force.

Steve Roth, 5 Lincoln Avenue, stated he has noticed the changes in the Hamilton Street area and asked where the funding came from. Ms. Danile replied the special improvement budget. Ms. Vieiro replied the special improvement budget and grants. He stated aesthetics are important, but something needs to be done about crime.

Tom Canales, 105 South Lawrence Avenue, 5th Ward candidate, spoke of the crime issues and the neighborhood preservation program. He asked if the Township was working with New Brunswick on the crime issues on the Route 27th corridor.

Mr. Mettler moved to close the meeting for public discussion. Said motion was seconded by Mr. Prasad and carried unanimously upon voice vote.

COUNCIL COMMENTS

Mr. Vassanella:

- spoke of the two years it took to adopt the property maintenance ordinance which addresses the overcrowding issue, noting it has yielded some success and spoke of the ordinances that address these issues and are on the agenda tonight for introduction and scheduled for adoption on October 13th.
- thanked Mr. Kramer for his efforts regarding the East Millstone Post Office.
- spoke of the on-going relationship the Township has with New Brunswick in relation with fighting crime.
- spoke of the operational audit, noting is it the Township's first overall audit that will set the groundwork for improvements.

Ms. Danile:

- spoke of the negative comments spoken by Council members to members of the public, noting it is unfortunate and everyone should respect one another.
- applauded Mr. Kalafer's ideas and supported his candidacy for her Ward 2 seat.
- stated that it is not just the Hamilton Street area that needs additional police officers and supported the hiring of new police officers.
- stated she would like to see more Township interaction with the Hamilton Street Business and Community Corporation.
- spoke of the operational audit and cautioned it is a report by people outside of the Township, noted it is a good start.
- supported professional thinning of deer herd.
- appreciated all of the Council's comments.

Ms. Eberle: passed on her turn to speak.

Mr. Mettler:

- spoke on events reported in the Mayor's report and upcoming Meadows Foundation events.
- agreed there is a need to thin the deer herd and the plan needs to be carefully put together and it will take time to do effectively.
- praised Mr. Kramer on his work on the petition opposing the closure of the East Millstone Post Office and agreed to sign the petition.
- agreed with Ms. Danile regarding her comments regarding Hamilton Street and the operational audit.
- stated the Township is doing things to address the crime in the Township. He spoke of the standing committee system used by Council that allows some Council members to know more about what is going on than others and suggested the Police Chief meet with Council in Executive Session to discuss how addressing crime.
- spoke in relation to the maintenance code, noting the problem is not solved until the property changes owners. He noted there must be a better approach and asked the

Township contact Woodbridge for some ideas.

Ms. Francois:

- spoke of the deer problem and noted there is a \$160 per deer removal charge. She noted something needs to be done.
- spoke of the improvements completed on Hamilton Street and noted there is more to do and the Township needs to offer more assistance.
- spoke of crime, which is an aspect of life. She stated the youth are at-risk and she is working on a teen drop-in center at an existing facility in the Township.
- Welcomed input and suggestions from the public.
- Thanked Mr. Kramer for his work regarding the East Millstone Post Office.
- Spoke on the Matrix Report. She stated more time is needed to review it and since they are approaching budget season, she recommended a separate meeting to hold a public hearing on the Matrix Report, noting most of the recommendations would not be implemented until 2011.

Ms. Francois moved to remove the discussion of the Matrix Report from the Budget Hearings scheduled on September 29-30 and October 1st and to schedule a special meeting to be held on Thursday, November 12th at 7:00 p.m. to discuss the Matrix Report. Said motion was seconded by Mr. Prasad.

Mayor Levine expressed his concern of the appearance of holding the discussion until after the election that Council is hiding something. He noted the public was promised that they would discuss this next week.

Ms. Vassanella agreed with Ms. Francois that there is not enough time to review the budget book and the Matrix Report at the same time.

Ms. Danile agreed with Mayor Levine and preferred to have Matrix at the budget hearings.

Ms. Francois stated it is impossible to review all the budget materials and the report by next week. She stated it is not being deceptive to the public and there is no hidden agenda.

Mr. Mettler expressed his confusion why they wouldn't have Matrix at the budget hearings to discuss what could be implemented in 2010.

Deputy Mayor Glicklich expressed his mixed feelings about this matter and supported the motion.

Mr. Vassanella clarified the motion. Ms. Vieiro reported the Annual Financial Statement will not be completed until the end of October; therefore the budget will not be introduced until November and adopted in December.

Deputy Mayor Glicklich called the question. The motion carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Eberle	Francois	Danile		Sumter
Glicklich	Prasad	Levine		
Vassanella		Mettler		

Mr. Prasad:

- wished all happy holidays.

- spoke of the town meeting with Congressman Holt.
- spoke of the \$15,000 in grants from Somerset County for the Township's youth.
- spoke of the political season approaching and the Council meeting is not a forum for political debates.
- agreed that overcrowding is an issue that needs to be addressed.
- spoke of the tax assessment process.
- agreed a curfew may be a good idea; asked if it was legal.
- thanked Mr. Kramer for his work regarding the East Millstone Post Office.
- thanked and encouraged all who come to meetings and speak.

Deputy Mayor Glicklich:

- spoke on the Council's rules regarding 5 minutes be speaker and a speaker can allot part of their 5 minutes to Council for a response.
- spoke of New Brunswick having a greater problem with crime than Franklin, noting they have more gangs and the Route 27 barrier. He stated the increased police presence did not stop the shootings.
- reported he met with Police and Hamilton Street and will continue with meetings.
- stated a curfew is unconstitutional and unenforceable.
- Agreed the Township needs to be more proactive in addressing illegal housing and overcrowding.
- Thanked Mr. Kramer for his work regarding the East Millstone Post Office.
- the East Millstone Post Office.
- Asked that a copy of the Matrix Report be available in the Clerk's Office and at the library.
- supported the idea of the Police Chief meeting with Council in Executive Session.

Mayor Levine:

- asked that all refrain from negative comments to the public.
- stated Public safety is the #1 mission of Council and spoke of the great progression of the Franklin Youth Initiative.
- stated the Matrix Report should be discussed in conjunction with the FY2010 Budget at the hearings next week.

DISCUSSION ITEMS

Tax Payment Plan

Deputy Mayor Glicklich led the discussion regarding the proposed tax payment plan that included the following:

- a. Only those business and industrial taxpayers whose 2009 assessment was at least 50% higher than the 2008 assessment;

- b. A requirement that the installment payments be paid out in equal quarterly payments through December 2010;
- c. A provision that the interest for these plans shall be limited to 8%;
- d. A resolution will be drafted for the next meeting.

A brief discussion ensued and Mr. Vassanella asked for information to see how many properties would be involved if the percentage was lowered to 35%.

APPROVAL OF WARRANTS

Mayor Levine presented the following warrants in the amount of \$2,145,478.67 for September 22, 2009 to the Township Council for payment:

1	Current	1,545,466.28
2	Grant	47,332.02
3	Tax Title Lien	
4	General Capital	461,691.59
5	Water	35,563.07
6	Water Capital	
11	Recreation Trust	2,506.95
12	Trust Others	7,117.20
13	Unemployment	
15	Redevelopment	
17	Animal Control	
19	Self Insurance	
20	Affordable Housing	24,926.79
30	Payroll	
37	Police Forfeiture	
39	Worker's Comp	
40	Open Space	20,874.77
42	Redevelopment Escrow	
50	County Imp Auth Fund	
	Subtotal	2,145,478.67
	Escrow	
	Grand Total	2,145,478.67

Ms. Danile moved that warrants in the amount of \$2,145,478.67 for September 22, 2009 to be paid. Said motion was seconded by Mr. Prasad and carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>	<u>ABSENT</u>
Danile	Eberle			Sumter	
Francois	Glicklich				
Levine	Mettler				
Prasad	Vassanella				

PUBLIC HEARING AND ADOPTION OF ORDINANCES ON SECOND READING

Ordinance No. 3845

Mayor Levine presented the following ordinance:

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 112, DEVELOPMENT, ARTICLE VI, WIRELESS COMMUNICATIONS ANTENNAS.

Mayor Levine stated several issues regarding this ordinance have been brought up and it is the recommendation of the Director of Planning to table this ordinance and refer it back to the Land Use Committee and the Planning Board for further review and recommendation.

Deputy Mayor Glicklich moved to table Ordinance No. 3845 and referred it back to the Land Use Committee and the Planning Board for further review and recommendation. 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>	<u>ABSENT</u>
Danile	Eberle			Sumter	
Francois	Glicklich				
Levine	Mettler				
Prasad	Vassanella				

Ordinance No. 3843

Mayor Levine presented the following ordinance:

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 112, DEVELOPMENT REGARDING SMALL WIND ENERGY SYSTEMS.

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

Mr. Mettler moved to open the public hearing on the ordinance. Said motion was seconded by Mr. Prasad and carried unanimously upon call of the roll.

Mayor Levine stated that the meeting is open for public discussion on this ordinance. He stated that anyone interested in speaking to raise their hand and when recognized, state your name and address.

There being no comments from the public, Mr. Mettler moved to close the public hearing on the ordinance. Said motion was seconded by Ms. Danile and carried unanimously upon call of the roll.

Mr. Prasad moved the final passage of the ordinance 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>	<u>ABSENT</u>
Danile	Francois	Eberle			Sumter
Francois	Levine				
Mettler	Prasad	Vassanella			

Ordinance No. 3844

Mayor Levine presented the following ordinance:

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 112, DEVELOPMENT, ARTICLE XI, PARKING.

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

Mr. Prasad moved to open the public hearing on the ordinance. Said motion was seconded by Mr. Mettler and carried unanimously upon call of the roll.

Mayor Levine stated that the meeting is open for public discussion on this ordinance. He stated that anyone interested in speaking to raise their hand and when recognized, state your name and address.

Phillip Kramer, 429 Canal Road, questioned if the ordinance dealt with the municipal building. It was replied no, it deals with retail.

There being no further comments from the public, Mr. Mettler moved to close the public hearing on the ordinance. Said motion was seconded by Mr. Prasad and carried unanimously upon call of the roll.

Mr. Prasad moved the final passage of the ordinance 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>	<u>ABSENT</u>
Danile	Eberle			Sumter	
Francois	Glicklich				
Levine	Mettler				
Prasad	Vassanella				

Ordinance No. 3846

Mayor Levine presented the following ordinance:

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 112, DEVELOPMENT, SECTION 112-4, DEFINITIONS, AND SCHEDULE 2, LOT AND YARD REQUIREMENTS

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

Ms. Francois moved to open the public hearing on the ordinance. Said motion was seconded by Mr. Prasad and carried unanimously upon call of the roll.

Mayor Levine stated that the meeting is open for public discussion on this ordinance. He stated that anyone interested in speaking to raise their hand and when recognized, state your name and address.

Pat Giannotto, 602 Hamilton Street, expressed his opposition of the changing of 10,000 square feet in the ordinance to 15,000 square feet. This would require a lot of 100x100 for two-family homes; otherwise there would be a need for a variance. He questioned the reason for the change.

Ted Chase, 159 Old Georgetown Road, stated the intention of the ordinance is to increase the minimum lot area requirement for two-family dwellings in the R-7 zone to 15,000 square feet (with commensurate increases in required lot frontage) which would increase the minimum lot area requirement for a one-family home to 7,500 square feet. The Planning Board felt the need to maintain the 7,500 square feet minimum.

Mr. Vassanella asked if there was a way to do what we want to do and not penalize the property owners, such as a deed restriction. He stated the ordinance may be good as is, but would support tabling it until further clarification is provided.

There being no further comments from the public, Mr. Mettler moved to close the public hearing on the ordinance. Said motion was seconded by Mr. Prasad and carried unanimously upon call of the roll.

Mr. Vassanella moved to table Ordinance No. 3846 for further clarification by the Planning Board. Said motion was seconded by Ms. Francois and carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>	<u>ABSENT</u>
Danile	Eberle			Sumter	
Francois	Glicklich				
Levine	Mettler				
Prasad	Vassanella				

ORDINANCES ON INTRODUCTION AND FIRST READING

Ordinance No. 3852

Mayor Levine presented the following ordinance:

BOND ORDINANCE PROVIDING FOR THE CONSTRUCTION OF AN INTERCONNECTION WITH THE CITY OF NEW BRUNSWICK FOR THE WATER UTILITY OF THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$750,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$750,000 BONDS OR NOTES OF THE WATER UTILITY OF THE TOWNSHIP TO FINANCE THE COSTS THEREOF

Mayor Levine stated that the foregoing ordinance is presented to the Township Council for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on October 27, 2009 at 7:00 p.m. in the Municipal Complex.

Ms. Francois moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on October 27, 2009 at 7:00 p.m. at the Municipal Complex. Said motion was seconded by Mr. Prasad and carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>	<u>ABSENT</u>
Danile	Eberle			Sumter	
Francois	Glicklich				
Levine	Mettler				
Prasad	Vassanella				

CONSENT AGENDA ITEMS

Mr. Mettler questioned Resolution #09-481 – Resolution of the Township Council of the Township of Franklin Regarding the 2009 Tax Reassessments and Future Assessments which was removed from the agenda. He asked if it was still the policy that it took five (5) Council members to instruct the Township Attorney to prepare a resolution or ordinance. Mr. Vassanella agreed and noted that this resolution was a result of two discussions held by Council.

Upon motion by Deputy Mayor Glicklich seconded by Mr. Prasad, the following consent agenda items were adopted as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>	<u>ABSENT</u>
Danile	Eberle			Sumter	
Francois	Glicklich				
Levine	Mettler				
Prasad	Vassanella				

Resolution #09-464 Authorize Refund of Tax Overpayments.

WHEREAS, there appears on the books of the Collector of Revenue, refunds due, resulting from Tax/Water 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>
34.01/8.01 C0107	Township of Franklin	4/09	30.02
34.08/9.01 C0374		4/09	.39
37.02/7.04 56		1/09	381.81
507.42		2/09	44.62

		Move to next year	
34.04/8.01 C0107	Monica Santiago 79 Pear Tree Lane Franklin Park, NJ 08823	4/09 Over Estimated	304.60
37.02/7.04 56	La Fonge Association 100 Cedar Lane Highland Park, NJ 08904	1/09 Over Estimated	598.18
507.17/34	Susan Allen 486 Crossfields Lane Somerset, NJ 08873	4/09 Over Estimated	48.54
508.02/3.43	Rajkumar Chhabria 5 Plum Tree Lane Somerset, NJ 08873	3/09 Reso for High Usage	871.13
287.01/53	Clary, Robert L. & Ruth 51 Arden Street Somerset, NJ 08873	3/09 2/09 1/09 100% Disabled Veteran	926.54 1,166.38 237.31

Resolution #09-465 Authorize Tax Remittals.

WHEREAS, there appears on the books of the Collector of Revenue, taxes to be remitted, as a result of Common Elements; and

<u>BLOCK/LOT</u>	<u>NAME/ADDRESS</u>	<u>QTR/YR</u>	<u>AMOUNT</u>
514/4.02	JHL Distribution Inc. 70 Schoolhouse Road Somerset, NJ 08873	3/09 4/09 Assessor Correction	-16,902.56 -16,902.56
		3/09 Overpaid Interest	-226.10
287.01/53	Clary, Robert L. & Ruth 51 Arden Street Somerset, NJ 08873	4/09 3/09 2/09 1/09 100% Disabled Veteran	926.53 926.54 1,166.38 237.31

Resolution #09-466 Authorize Issuance of Special Event Permit – Grace Alliance Church – Walk-a-thon – Colonial Park – October 10, 2009 – 9am to 12 pm.

WHEREAS, a request has been received from Grace Alliance Church, Piscataway, for permission to conduct a Walk-A-Thon at Colonial Park, Somerset as a fundraiser for their Annual Mission Trip to the Dominican Republic, from 9:00 am to 12:00 pm on October 10, 2009; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset, New Jersey, that permission is hereby granted to conduct the Walk-A-Thon at Colonial Park on October 10, 2009 from 9:00 am to 12:00 pm, subject to compliance with the requirements of Township Officials, including but not limited to the Chief of Police, Zoning Officer, Director of Health and Director of Fire Prevention.

BE IT FURTHER RESOLVED that the permit fee of \$125.00 be waived since said organization is a non-profit organization.

Resolution #09-467 Award Bid – Repairs of HVAC as Needed – Envirocon, LLC – Contract Period: Notice of Proceed Date to July 31, 2011 – Amount Not to Exceed \$55,000.00.

WHEREAS, a notice to bidders for the receipt of bids for Repairs of HVAC, As Needed was published in the Courier News and posted on the Township’s website on July 30, 2009 and receipt was on August 20, 2009;

BE IT RESOLVED by the Township Council of the Township of Franklin, Somerset County, New Jersey that the following bid be awarded for Repairs of HVAC, As Needed:

VENDOR: Environcon, LLC
ADDRESS: 490 Schooley's Mountain Road, Hackettstown, NJ 07840
ITEM: Repairs of HVAC, As Needed (Notice to Proceed Date to July 31, 2011)
AMOUNT: Amount Not to Exceed \$55,000.00

WHEREAS, continuation of the terms of this contract beyond June 30, 2010 is contingent upon availability of funds in the 2011 FY Budget, and in the event of unavailability of such funds, the Township of Franklin reserves the right to cancel this contract.

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 FUTHER RESOLVED that 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.

Resolution #09-468 Authorize FY2010 Emergency Temporary Budget.

WHEREAS, RS 40A:4-19 of the Local Budget Act provides that temporary appropriations should be made for the purpose and amounts required;

NOW, THEREFORE, BE IT RESOLVED that the following temporary appropriations be made; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be transmitted to the Finance Officer of the Township of Franklin, County of Somerset, New Jersey:

<i>CURRENT FUND BUDGET</i>	<i>SFY - 2010 TEMPORARY BUDGET</i>		
<i>Description</i>	<i>Salary & Wages</i>	<i>Other Expenses</i>	<i>Total</i>
General Admin: Township Manager	52,000.00	100,000.00	152,000.00
General Admin: Grant Coordinator	12,000.00		12,000.00
General Admin: Purchasing	15,000.00	40,000.00	55,000.00
Human Resources	25,000.00	10,000.00	35,000.00
Mayor and Council	25,000.00		25,000.00
Municipal Clerk: Township Clerk	58,000.00	10,000.00	68,000.00
Municipal Clerk: Elections			
Finance Administration	20,000.00	50,000.00	70,000.00
Audit Services			
Data Processing	50,000.00	40,000.00	90,000.00
Revenue Administration	30,000.00	4,000.00	34,000.00
Tax Assessment	95,000.00	75,000.00	170,000.00
Legal Services		100,000.00	100,000.00
Engineering	125,000.00	7,000.00	132,000.00
Economic Development	5,000.00	6,000.00	11,000.00
Planning Board	10,000.00	10,000.00	20,000.00
Zoning Board	50,000.00	10,000.00	60,000.00
Affordable Housing			
Municipal Court	100,000.00	5,000.00	105,000.00
Public Defender			
Police: Uniformed Officers	3,525,000.00	75,000.00	3,600,000.00
Police: Administration	75,000.00	-	75,000.00
Police: Crossing Guards	37,000.00	-	37,000.00
Police: 911 Dispatch	200,000.00	55,000.00	255,000.00
Emergency Management			
Aid to Volunteer Fire Companies			
Aid to Volunteer Ambulance			
Fire Prevention	150,000.00		150,000.00
Municipal Prosecutor	0	14,000.00	14,000.00
Public Works	750,000.00	-	750,000.00
Streets & Roads: Snow Removal	25,000.00	150,000.00	175,000.00
Streets & Roads: Other		60,000.00	60,000.00
Public Works Administration			
Solid Waste, Sanitation, Recycling		200,000.00	200,000.00
Buildings & Grounds		85,000.00	85,000.00
Vehicle Maintenance		60,000.00	60,000.00

Shade Tree			
Community Services Act: Condo Act			
Board of Education Transportation			
Board of Health: Administration	25,000.00	1,000.00	26,000.00
Board of Health: Visiting Nurse		20,000.00	20,000.00
Environmental Health			
Animal Control Services	75,000.00	6,000.00	81,000.00
Community Resources	60,000.00	6,000.00	66,000.00
Recreation Services	125,000.00	20,000.00	145,000.00
Park & Playground		10,000.00	10,000.00
Liability Insurance		200,000.00	200,000.00
Worker's Compensation		15,000.00	15,000.00
Employee Group Insurance		2,625,000.00	2,625,000.00
Accumulated Leave		150,000.00	150,000.00
Celebration of Public Events			
Tax Appeal Refund		5,000.00	5,000.00
Tax Title Lien Foreclosure		2,000.00	2,000.00
Environmental Commission		100.00	100.00
Salary Adjustment		0	0
Historical Commission		1,500.00	1,500.00
Code Enforcement	200,000.00	7,000.00	207,000.00
Zoning Enforcement			
Gasoline		100,000.00	100,000.00
Telephone		55,000.00	55,000.00
Electricity/Heat		100,000.00	100,000.00
Water			
Street Lighting		150,000.00	150,000.00
Fire Hydrant			
	5,919,000.00	4,639,600.00	10,558,600.00
DCRP			
	5,919,000.00	4,639,600.00	10,558,600.00
Social Security System	-	500,000.00	500,000.00
Total Appropriation within CAPS	5,919,000.00	5,139,600.00	11,058,600.00
Public Employees Retirement			
Police & Firemen Retirement		1,000,000.00	1,000,000.00
Maintenance of Public Library			
LOSAP			
Board of Education – Interlocal	45,000.00	30,000.00	70,000.00
Senior Transportation			
Mid County Sexually Transmitted			
Board of Education – Officers	30,000.00		30,000.00
Construction Code Interlocal			
State & Federal Grants			
CDBG 2009		323,526.00	323,526.00
CDBG-Recovery 08		87,879.00	87,879.00
PHPF		4,882.00	4,882.00
NJ Health Officers grant		2,500.00	2,500.00
Total Excluded from CAPS	75,000.00	1,448,787.00	1,518,787.00
Reserve for Uncollected Taxes	-	-	-

Total General Appropriation	5,994,000.00	6,588,387.00	12,582,387.00
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Public Assistance			
Matching Funds for Grants			
Capital- Cash Capital			-
Bond Principal		2,305,000.00	2,305,000.00
Bond Interest		1,309,439.12	1,309,439.12
Green Trust Loan Repayments		57,585.10	57,585.10
SCIA Lease Payments		986,654.78	986,654.78
Total Excluded from CAPS	-	4,677,679.00	4,677,679.00

TOTAL CURRENT FUND	5,994,000.00	11,247,066.00	17,241,066.00
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WATER UTILITY BUDGET		SFY - 2010 TEMPORARY BUDGET		
Description		Salary & Wages	Other Expenses	Total
Operating:				
Salaries & Wages	500,000.00	-		500,000.00
Other Expenses	-	3,500,000.00		3,500,000.00
Health Benefits	-			
Insurance Other	-			

Statutory Expenditures:			
Social Security	-	50,000.00	50,000.00
Disability Insurance	-	1,250.00	1,250.00
Subtotal	500,000.00	3,551,250.00	4,051,250.00
Debt Service:			
Bond Principal	-	1,077,000.00	1,077,000.00
Bond Interest	-	171,612.00	171,612.00
Loan Repayments		207,415.17	207,415.17
Subtotal:	-	2,085,567.17	2,085,567.17
Total Water Utility Appropriation	500,000.00	5,636,817.17	6,136,817.17

Resolution #09-469 Award Contract – Chess Instructor – October 1, 2009 to June 30, 2010 – Miguel Iniquez, d/b/a Chess Buy – Amount Not to Exceed \$10,000.00.

WHEREAS, the Township of Franklin desires to purchase items as follows:

VENDOR: Miguel Iniquez, dba Chess Buy
 87 Columbia Street, Apt. 17-E, New York, NY 10002
ITEMS: Chess Instructor – October 1, 2009 to June 30, 2009
COST: \$10,000.00

WHEREAS, this purchase is exempt from bidding as per N.J.S.A. 40A:11-3; 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

WHEREAS, funds are certified for this program based on the monies collected and deposited for said program;

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.

Resolution #09-470 Authorize Release of Planning/Building Escrows and Inspection Fees.

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 112-214 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:	Dionis Trust (Gund)		
ADDRESS:	Box 449, Princeton, NJ 08542		
DOCKET NO.	PLN2006-0009		
BLOCK/LOT:	9/14		
LOCATION:	1213 Canal Road		
TYPE:	Plan Review		
AMOUNT DEPOSITED:	\$162.50 (Atty)	\$597.50 (Heyer)	\$1240.00 (In-Hse)
AMOUNT CHARGED:	<u>162.50</u>	<u>597.50</u>	<u>180.00</u>
AMOUNT TO BE REFUNDED:	\$ 0.00	\$ 0.00	\$1060.00

APPLICANT: Thomas Mascia
 ADDRESS: 117 Fleming Street, Piscataway, NJ 08854

DOCKET NO.	PLN-09-00005	
BLOCK/LOT:	32/1.02	
LOCATION:	3333 Route 27	
TYPE:	Plan Review	
AMOUNT DEPOSITED:	\$637.50 (Atty)	\$6362.50 (In-Hse)
AMOUNT CHARGED:	<u>637.50</u>	<u>5753.54</u>
AMOUNT TO BE REFUNDED:	\$ 0.00	\$ 608.96

Resolution #09-471 Award Somerset County Co-Op Bid – Document Imaging of Back Files – Community Development and Clerk’s Office – Foveonics Imaging Technologies.

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

VENDOR: **Foveonics Imaging Technologies**
1 Industrial Way W Bldg. D
Eatontown, NJ 07724-2255

Somerset County Coop Bid CC-95-08

ITEMS: Document Scanning & Microfilming Services for Backfiles in Community Development and Clerk Departments
COST: \$340,000.00

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

WHEREAS, continuation of the terms of this contract beyond June 30, 2010 is contingent upon availability of funds in the 2011 FY Budget, and in the event of unavailability of such funds, the Township of Franklin reserves the right to cancel this contract;

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

Resolution #09-472 Adjust Water Charges – Block 508.02, Lot 3.43 – 5 Plum Tree Lane.

WHEREAS, Rajkumar Chhabria has an unusually high water charge for the quarter of 09/01/09 in the amount of \$1,364.43 for the property known as Block 508.02, Lot 3.43; and

WHEREAS, it has been determined that the high usage is a result of hardship; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the Collector of Revenue is hereby directed to adjust the aforesaid water charges to reflect the charges for said water paid by the Township to its bulk supplier, specifically a reduction to \$493.30.

Resolution #09-473 Award Bid – Administration of CDBG Program – DDF Consulting Services, LLC – Amount Not to Exceed \$13,248.00.

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, a copy of which certification is attached hereto, that funds are available; and

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

WHEREAS, the contracts to be awarded are being awarded as Fair and Open Professional Service contracts pursuant to the Pay to Play Laws, P.L. 2004, C. 19; and

WHEREAS, Notice of Request for Qualifications for Appraisal Services was posted on the Township website on August 18, 2009 with a deadline for proposals to be submitted on September 1, 2009; and

WHEREAS, two (2) proposals were received and publicly opened;

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 vendors, which agreements shall be maintained on file with the Township Clerk and available for public inspection.
- (2) These agreements are awarded as Fair and Open Professional Service under the provisions of the Pay to Play Laws, P.L. 2004, C. 19.
- (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: DDF Consulting Services, LLC
 Deborah A. Mitchell
 ADDRESS: 283 Girard Avenue, Somerset, NJ 08873
 CONTRACT AMOUNT: Amount Not to Exceed \$13,248.00
 SERVICE: Administration of CDBG
 October 1, 2009 to September 30, 2009

Resolution #09-474 Authorize Issuance of Raffles License.

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

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

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

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

<u>NAME OF ORGANIZATION</u>	<u>DATE OF RAFFLE/BINGO</u>
Big Brothers/Bid Sisters of Hunterdon & Somerset Counties 79 Beaver Avenue, Clinton, New Jersey Casino Night – RL#1789 Drawings – inVentive Health, 500 Atrium Dr.	October 17, 2009 7:00 pm – 11:00 pm

The submitted application forms are complete in all respects:

The applicant is qualified to be licensed according to all statutory, regulatory and Local Government Alcoholic Beverage Control Laws and Regulations;

The applicant has disclosed and the issuing authority has ascertained and reviewed the source of any additional financing obtained in the previous license term for use in the licensed business;

The applicant has received a Special Ruling from the Division of Alcoholic Beverage Control to permit consideration of a renewal application for the above referenced inactive license pursuant N.J.S.A. 33:1-12.39; and

NOW, THEREFORE, BE IT RESOLVED this 22nd day of September, 2009 by the Township Council of the Township of Franklin in the County of Somerset and State of New Jersey that the Township Clerk be and she is hereby instructed to issue one (1) Plenary Retail Distribution License to License No. 1808-44-040-003, Franklin Park Liquors Inc.

Resolution #09-478 Authorize Issuance of Special Event Permit – Middlebush Volunteer Fire Department – 21 Olcott Street – Safety Fair – October 3, 2009 – 2:00 to 6:00 p.m.

WHEREAS, a request has been received from Middlebush Volunteer Fire Department, for permission to conduct a Safety Fair at Middlebush Fire House, from 2:00 pm to 6:00 pm on October 3, 2009; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset, New Jersey, that permission is hereby granted to conduct the Safety Fair at Middlebush Volunteer Fire House on October 3, 2009 from 2:00 pm to 6:00 pm, subject to compliance with the requirements of Township Officials, including but not limited to the Chief of Police, Zoning Officer, Director of Health and Director of Fire Prevention.

BE IT FURTHER RESOLVED that the permit fee of \$125.00 be waived since said organization is a non-profit organization.

Resolution #09-479 Authorize Issuance of Special Event Permit – NJ Buddhist Vihara, 4299 Route 27, Opening Ceremony of the Samadhi Buddha Statute – September 26 to 27, 2009 – 3:00 p.m. to 6:00 a.m.

WHEREAS, a request has been received from New Jersey Buddhist Vihara for permission to conduct the Dedication of The Samadhi Buddha Statue at 4299 Route 27, Princeton, New Jersey, from 3:00 pm on September 26, to 6:00 am on September 27, 2009 and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset, New Jersey, that permission is hereby granted to conduct the Opening Ceremony of the Samadhi Buddha Statue on September 26 & 27, 2009, subject to compliance with the requirements of Township Officials, including but not limited to the Chief of Police, Zoning Officer, Director of Health and Director of Fire Prevention.

BE IT FURTHER RESOLVED that the permit fee of \$125.00 be waived since said organization is a non-profit organization.

Resolution #09-480 Authorize Change Order – Housing Rehabilitation Project – 38 Douglas Avenue – Change Order Amount: \$1,489.94 – New Contract Total: \$20,284.94.

WHEREAS, the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey, has on July 14, 2009, authorized the awarding of a contract to

VENDOR: Ark Building and Remodeling, LLC
ADDRESS: 756 Garden Street, Rahway, NJ 07065
ITEM: Housing Rehabilitation Project – 38 Douglas Avenue
AMOUNT: Amount Not to Exceed \$18,795.00

WHEREAS, it was determined that additional work was needed in the amount of \$1,489.94, resulting in a new contract total of \$20,284.94; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey, does hereby authorize the issuance of Change Order No. 1 to the contract with Ark Building and Remodeling, LLC; and

BE IT FURTHER RESOLVED that the Township Manager be and he is authorized to sign said Change Order on behalf of the Township.

Ms. Danile left the meeting at 10:18 p.m.

EXECUTIVE SESSION

Mayor Levine presented the following resolution:

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 of the Township of Franklin 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 Property – Terhune Farm and Contract Negotiations – Health Benefits.*
- 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 aforesaid resolution was moved by Mr. Prasad, seconded by Ms. Francois and carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>	<u>ABSENT</u>
Eberle	Francois			Danile	Sumter
Glicklich	Levine				
Mettler	Prasad				
Vassanella					

The meeting adjourned into Executive Session at 11:07 p.m.

Upon motion by Mr. Prasad and seconded by Mr. Mettler, the meeting reconvened at 11:07 p.m. Said motion carried unanimously upon call of the roll.

Mayor Levine announced that the Township Council discussed the following: *Acquisition of Property – Terhune Farm and Contract Negotiations – Health Benefits.*

The minutes of these discussions shall be made available to the public as soon as the matters under discussion are no longer of a confidential or sensitive nature.

ADJOURNMENT

Mr. Prasad moved to adjourn the meeting at 11:08 p.m. Said motion was seconded by Mr. Mettler and carried unanimously upon call of the roll.

Approved: *As Submitted.*

Brian D. Levine, Mayor

Date: *October 27, 2009*

Ann Marie McCarthy, Township Clerk