

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 February 27, 2007. 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 Ms. Danile led the Invocation.

The Township Clerk called the roll.

Present: Ms. Danile, Ms. Eberle, Mr. Levine, Mr. McKenzie, Deputy Mayor Ritchie, Mr. Sumter, Mr. Vassanella

Absent: Mr. Prasad

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

COMMENDATIONS/PROCLAMATIONS

Women's History Month

Ms. Danile read the following proclamation:

WHEREAS, New Jersey women of every race, class and ethnic background have made historic contributions to the growth and strength of our state in countless recorded and unrecorded ways; and

WHEREAS, New Jersey women have played and continue to play a critical economic, cultural and social role in every sphere of the life of the state by constituting a significant portion of the labor force working inside and outside of the home; and

WHEREAS, New Jersey women were particularly important in the establishment of early charitable, philanthropic and cultural institution in our state; and

WHEREAS, New Jersey women of every race, class and ethnic background served as early leaders in the forefront of every major progressive social change movement; and

WHEREAS, New Jersey women have been leaders, not only in securing their own rights of suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement and other movements, especially the peace movement, which creates a more fair and just society for all; and

WHEREAS, despite these contributions, the role of women in history has been consistently overlooked and undervalued in the literature, teaching and study of American history,

WHEREAS, The Department of Community Affairs, specifically the Division on Women's goals are to remember and celebrate New Jersey women,

NOW, THEREFORE, I, Brian D. Levine, Mayor of the Township of Franklin, County of Somerset, New Jersey, on behalf of the Township Council do hereby proclaim MARCH 2007 –

**“WOMEN’S HISTORY MONTH -
GENERATIONS OF WOMEN MOVING HISTORY FORWARD”**

Read Across America

Mr. McKenzie read the following proclamation:

WHEREAS, the citizens of the Township of Franklin stand firmly committed to promoting reading as the catalyst for our students' future academic success, their preparation for America's jobs of the future, and their ability to compete in a global economy; and

WHEREAS, Franklin Township has provided significant leadership in the area of community involvement in the education of our youth, grounded in the principle that educational investment is key to the community's well-being and long-term quality of life; and

WHEREAS, NEA's **Read Across America**, a national celebration of reading, will be conducted on March 2, 2007, which would have been the 103rd birthday of Theodor Seuss Geisel, better known as Dr. Seuss; and

WHEREAS, **Read Across America-NJ** is being conducted statewide by the New Jersey Education Association, in partnership with the New Jersey State League of Municipalities, the New Jersey Library Association, Saturn-UAW, and their local affiliates across the state to promote reading and adult involvement in the education of our community's students;

NOW, THEREFORE, BE IT RESOLVED that the Township Council calls on the citizens of Franklin Township to assure that every child is in a safe place reading together with a caring adult on March 2, 2007;

AND BE IT FURTHER RESOLVED that this body enthusiastically endorses NEA's **Read Across America** and **Read Across America-NJ**, and recommits our community to engage in programs and activities to make America's children the best readers in the world.

Franklin Memorial Post 8025 of the VFW

Mayor Levine and Mr. Sumter presented the following commendation:

WHEREAS, **FRANKLIN MEMORIAL POST 8025 OF THE VETERANS OF FOREIGN WARS** was incorporated in 1978 and had their facility on DeKalb Street in the Township of Franklin for many years, and over the years, the members of Post 8025 participated in many excursions to the Veterans Home in Menlo Park and the Veterans Administration Hospital in Lyon bringing aid and comfort to the veterans of those facilities and, more importantly, affording plain old comradeship; and

WHEREAS, members of Post 8025 have sponsored local Little League teams, participated in Thanksgiving food drives for the Township's needy families and donated new American and POW-MIA flags to local businesses; and

WHEREAS, the outstanding contribution of time, talent, fundraising and dedication to the design, planning and construction of the Franklin Township Veterans Memorial on the grounds of the Municipal Complex is the most demonstrative example of the patriotism and camaraderie of the members of Post 8025; and

WHEREAS, Post 8025 donated the remainder of their treasury, \$2,856, for the Veterans Memorial when they disbanded in 2006,

NOW, THEREFORE, I, BRIAN D. LEVINE, MAYOR of the Township of Franklin in the County of Somerset, State of New Jersey, on behalf the Township Council and all of the residents do hereby recognize and commend the members of **FRANKLIN MEMORIAL POST 8025 OF THE VETERANS OF FOREIGN WARS** for their dedication, compassion, work and accomplishments on behalf of all veterans.

Frank Hasner – Economic Development Director

Mr. McKenzie presented the following commendation:

WHEREAS, the Township of Franklin is benefited by citizens and employees who contribute their time, talent and skills for the betterment of our community; and

WHEREAS, FRANK HASNER was employed by the Township of Franklin on May 3, 1982 and subsequently served as Zoning Officer ; and

WHEREAS, FRANK HASNER served as Director of Economic Development from October, 1999 to January 1, 2007 and in this capacity was instrumental in bringing many new businesses to the Township of Franklin, improving and enhancing the residents' quality of life; and

NOW, THEREFORE, I, BRIAN D. LEVINE, MAYOR of the Township of Franklin in the County of Somerset, State of New Jersey, extend gratitude and appreciation on behalf of the Township Council and Franklin Township businesses and citizens to **FRANK HASNER** for his dedication and service to our community and for the benefits reaped by the Township of Franklin through his efforts, and wish him and his family success and happiness in future endeavors.

Ray Adams – Water Maintenance Worker

Mr. McKenzie presented the following commendation:

WHEREAS, RAY ADAMS has served the residents of the Township of Franklin for twenty two years, working in the Department of Public Works Water Maintenance Division since June 25, 1985; and

WHEREAS, RAY ADAMS retired from the employment of Franklin Township as of January 1, 2007,

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 and all of the residents do hereby thank and commend **RAY ADAMS** for his dedication and service to our community and Township of Franklin through his efforts and hereby extend to **RAY ADAMS** and his family, best wishes for success and happiness in their future endeavors.

Marc D. Dashield – Chief Financial Officer

Mr. McKenzie presented the following commendation:

WHEREAS, the Township of Franklin is benefited by citizens and employees who contribute their time, talent and skills for the betterment of our community; and

WHEREAS, MARC D. DASHIELD was employed by the Township of Franklin on September 13, 1999 to serve as Assistant Township Manager and on April 14, 2003 began his tenure as Acting Township Clerk; and

WHEREAS, MARC D. DASHIELD served as Director of Finance and Chief Financial Officer from January 1, 2004 to January 19, 2007 where his dedicated interest and devotion to duty has had a valuable effect on the efficiency and morale of his co-workers; and

WHEREAS, MARC D. DASHIELD, has with enthusiasm and effectiveness, made an excellent and constructive contribution to our community;

NOW, THEREFORE, I, BRIAN D. LEVINE, MAYOR of the Township of Franklin in the County of Somerset, State of New Jersey, extend gratitude and appreciation on behalf of the Township Council and citizens to **MARC D. DASHIELD** for his dedication and service to our community and for the benefits reaped by the Township of Franklin through his efforts, and wish him and his family success and happiness in future endeavors.

Barbara H. Brown – Receptionist

Mr. McKenzie presented the following commendation:

WHEREAS, the Township of Franklin is served by employees who share their time and talents for the betterment of the community; and

WHEREAS, BARBARA H. BROWN was employed by the Township of Franklin as the Municipal Building receptionist from February 26, 1998 to December 22, 2006,

NOW, THEREFORE, I, BRIAN D. LEVINE, MAYOR of the Township of Franklin in the County of Somerset, State of New Jersey, extend gratitude and appreciation on behalf of the Township Council and citizens to **BARBARA H. BROWN** for her dedication and service to our community and wish her success and happiness in future endeavors.

MAYOR'S REPORT

Mayor Levine presented the following report:

- Welcomed those attending the meeting and those watching the meeting on television.
- Thanked all the FTTV-25 volunteers and staff.
- Explained how the meeting would be conducted.
- Reminded everyone that Council meetings are generally the 2nd and 4th Tuesdays of the month. He stated the meeting listings are on FTTV-25 and the Township's website. In regards to the Township's website, one can sign up for updates of meetings, minutes, etc. as well as view the agenda, ordinances and pending resolutions. He stated that if anyone was interested in volunteering to serve on a board or commission to contact any Councilperson.
- Reported that the Council Retreat was held on Sunday, February 4, 2007. Council set some policies and plans for the coming year. Asked for continuance to provide input to any Council member by calls, fax and email. Asked for ideas so Council could incorporate them into their "Franklin Township Business Plan."
- Reported on the Council on Affordable Housing (COAH). Court ruling was to basically "scrub" the plan and redo it. All parties will see how this issue develops. Made the following statement: "Affordable housing is needed in New Jersey. State had a good idea with terrible implementation." He hopes they can redo their plan without all of the controversy and include good sites that attain their goal of affordable housing, are satisfactory to the current residents of Franklin.

- Reported the Federation of Indian Associations had a reception on February 21 for Ketan Gandhi, first Asian-Indian publisher of an American mainstream newspaper – our own *Home News Tribune*. In attendance were Mayor Levine, Mayor Jim Phillips of Old Bridge, Mayor Jun Choi of Edison, Mayor John McCormick of Woodbridge, Assemblyman Upendra Chivukula, Councilman Jim Vassanella. He congratulated Mr. Gandhi for his continued success.

COMMITTEE REPORTS

Land Use and Open Space

Ms. Eberle presented the following report:

“The Land Use Committee, consisting of Councilwoman Eberle and Councilman Prasad met on February 21, 2007 at 11:00 a.m. Also present were Township Manager Daly and Township Planner Healey.

The Committee discussed the following items:

1. Request that Township Council grant permission for South Brunswick to extend water service to the property next to the historic Higgins House in Kingston (at the intersection of Raymond Road and Route 27). This extension would allow for construction of a 150-child day care center on the property. The developers have met with representatives of the Kingston Village Advisory Committee. KVAC opposes the intensity and character of this proposed development and would prefer that the Township use open space funds to purchase the property outright or to purchase an easement to reduce development rights. The Open Space Advisory Committee discussed the property at its meeting the previous evening and voted against purchasing the property because of the cost involved. OSAC recommended that any day care center be constructed to “look like a single family house with a historic façade.” After some discussion, the Land Use Committee voted to recommend to Township Council not to grant the request to allow South Brunswick to extend water service to this property in Franklin Township. The Township Planner will follow up with the developer on what could be developed on this property without South Brunswick water and report back to the Land Use Committee. The Planner will also be sharing with the Planning Board the questions about zoning of this property and elsewhere in Kingston that have been raised by KVAC.
2. Walgreens has purchased the shopping center at the corner of Route 27 and Route 518. Because the existing septic system for this center is not functioning adequately for current uses, Walgreens has requested a limited extension of the sewer service area to hook this center (with a new drug store and other renovations) into the Township’s sanitary sewer utility. The Land Use Committee recommends that this request be granted as long as the extension is limited to solely this center and does not allow for further developments in this area. The applicants understand that they will have to be making applications to the Franklin Township Sewerage Authority, Middlesex County, and NJDEP in what will be probably a two-year process to extend the sewer service area. One of the first steps in this process will be a Township Council resolution endorsing this extension. The Committee recommends this limited extension to provide for revitalization of an existing commercial node.
3. Tree Ordinance. The Committee compared the Old Bridge tree ordinance with the amendments to the Franklin Tree Removal Ordinance (Chapter 222) recommended by the Shade Tree Commission. There were three changes recommended: (1) change all references in the ordinance from the Environmental Commission to the Shade Tree Commission; (2) the Shade Tree Commission should forward its recommended actions on tree removal permits within ten days of its regularly scheduled meeting; (3) increase the fees for tree removal permits when there is no building permit,

subdivision or site plan approval from \$10 to \$25 per plot on land that has been or is about to be subdivided, and on all other land from \$5 to \$30 per tree for individual removals, and from \$25 to \$50 per acre for clearing land of trees.

In summary the Land Use Committee recommends that the Shade Tree Commission amendments be adopted by ordinance with the following changes: as to individual trees, although the Committee felt that \$30 would be too high, a new minimum fee was not decided on, and as to land clearance, an increase of the fee to \$500 per acre. This recommendation will require introduction and adoption of an ordinance.

4. Trails Advisory Committee. The Land Use Committee recommends approval of the request from the Trails Advisory Committee to increase its membership from seven to nine members. This recommendation will require introduction and adoption of an ordinance.
5. Escrow Fees. The Land Use Committee recommends approval of the recommendation from the Township Engineer to amend Chapter 112-197 of the Land Use Code to make the fees charged for escrow work performed by Township employees conform with State law at 200% of employee salaries in place of the fixed fees in the current ordinance.

Traffic Subcommittee

Mr. Vassanella reported the Transit Feasibility Study would be ready to be presented to Council by the fourth Tuesday in March.

Public Works Standing Committee

Mr. Vassanella reported the Public Works Standing Committee has been reviewing the possibility of a Solid Waste Utility. He stated they would be meeting with an expert to answer their questions. He stated that within a few months they would be ready to present their recommendations to Council.

Mr. Vassanella reported they are instituting a program with the Public Works Department called the "Eyes of Franklin." The Department of Public Works will construct a checklist of items for visual inspections to be made throughout the Township. Their findings would be forwarded to the proper department or jurisdiction. This program will help make Franklin safer and look better. He noted he would report on this further in a few months.

Ms. Danile asked if the Traffic Committee was addressing concerns from Wilson Road residents who support and oppose the ordinance as presently written. She noted that she has received many emails regarding this matter. She noted she did not have a problem with the Public Safety Committee looking at and revisiting this matter. She further noted that there is more support to keep it as is. She expressed her hope for a compromise between the residents and the Traffic Bureau.

Mr. Vassanella requested that only two sets of minutes be placed on an agenda at a time.

REVIEW OF THE PREPARED AGENDA

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

Ms. Danile requested that Cedar Grove Sidewalks be added as a discussion item on the March 27th agenda. Mr. Vassanella concurred and asked if cost estimates could be provided prior to the meeting.

Mr. Vassanella requested as a Council Discussion item on the March 27th - Quarterly Joint Meeting with Planning Board and Board of Adjustment.

Mr. Vassanella requested that Ordinance No. 3663 be removed from the agenda and placed on the March 13th agenda for introduction. He explained that Citizens Campaign is working with the Township Attorney on some revisions to the ordinance.

Mr. Daly explained in connection with Ordinance No. 3673 that the ordinance was initiated to be proactive to address the parking issues in the Landers Street area.

Mr. Daly explained it was thought the tax abatement ordinance (Ordinance No. 3675) was adopted last year. The ordinance renews the residential abatement and provides for commercial abatement. It was scheduled to be introduced on April 11, 2006, the day Kevin Appuzio died. He noted that during this time it had not been rescheduled.

In response to Deputy Mayor Ritchie, it was clarified that Resolution No. 07-111 was for two one-ton pickup trucks and the money was appropriated in the prior year's budget.

Mr. Daly explained in connection with Resolution #07-113, these houses are historic houses owned by the Township and the funds are to pay for the repair of the wells. He noted that Tulipwood is also having a problem with its well and will have to hook into the water utility.

A motion was made by Mr. Vassanella to amend Resolution #07-114 to waive the construction permit fees instead of reducing the fees by 50% for 1665 Amwell Road. Said motion was seconded by Ms. Danile and carried unanimously upon call of the roll.

Resolutions #07-116 – Authorize Emergency Appropriation for Legal Services in the amount of \$100,000 and #07-117 – Amending the Township Attorney Professional Services Agreement by \$130,000 were removed from the Consent Agenda and voted on separately. Mr. Daly provided an explanation as to why the emergency appropriation is needed which included the additional legal services that have been incurred over the last six months. Mr. Rainone stated he had reviewed his firm's billing from July 1 through January's bills as requested. He stated the increased billings over the last year are due, in large part, to four separate areas: 1) Affordable Housing issues; 2) Labor and Employment issues; 3) Tax Appeals; and 4) Additional Litigation. Mr. Daly explained that the amount of the emergency appropriation was changed from \$300,000.00 to \$100,000.00 since Friday as a result of an error in the calculation of the legal bills. He stressed that the line item is not overspent.

Resolution #07-125 – Rescind Resolution #07-070 and Award Non-Fair and Open Contract to BGIA – Insurance Brokers was removed from the Consent Agenda and voted on separately.

Mr. Vassanella requested the removal of appointments 20a through 20c and 20e and 20f. He also requested that Mr. Regan's appointments be tabled until the new Councilperson is appointed. Ms. Danile asked if she could be appointed to the Fire Prevention Board.

Ms. Ritchie nominated Bob Puskas as the Agricultural Advisory Committee Member to the Open Space Advisory Committee for a term concurrent with his Agricultural Advisory Committee.

Ms. Ritchie nominated Teresa Danile to be the Council Regular Member to the Fire Prevention Board for the unexpired one-year term.

Mr. McKenzie expressed his disappointment of not being able to appoint the new Councilperson tonight. He stated that he would try to phone in during the March 13th meeting to place his vote..

COUNCIL DISCUSSION ITEM

NJDOT Truck Access Regulations

Deputy Mayor Ritchie requested that the resolution sent regarding excluding Route 27 from the NJDOT Truck Access Regulations be sent to the Somerset County Board of Chosen Freeholders with a letter requesting they take action and request that Route 27 not be designated.

APPROVAL OF MINUTES

Ms. Danile moved the approval of the following minutes: Work Session/Regular Meeting Minutes of January 9, 2007; January 23, 2007 and February 13, 2007; Council Retreat of February 4, 2007 and Executive Session of February 13, 2007. Said motion was seconded by Ms. Eberle and carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Danile	Eberle		Vassanella (1/9; 1/23; 2/13)	Prasad
Levine	McKenzie			
Ritchie	Sumter			
Vassanella (2/4 & 2/13 ES)				

APPROVAL OF WARRANTS

Mayor Levine presented the following warrants in the amount of \$4,619,193.25 for February 27, 2007 to the Township Council for payment:

1	Current	3,137,984.30
5	Water Operating	992,425.28
6	Water Capital	140,115.06
4	General Capital	117,742.26
15	Trust Others	18,549.75
12	Open Space Trust	14,703.18
2	Grant	14,247.32
3	Collector Trust	169,130.40
14	Dog Revenue	4,003.00
30	Payroll Agency	7,149.06
	Subtotal	4,616,049.61
25	Escrow Account	3,143.64
	Grand Total	4,619,193.30

Ms. Danile moved that warrants in the amount of \$4,619,193.30 for February 27, 2007 to be paid. Said motion was seconded by Mr. Sumter and carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Danile	Eberle			Prasad
Levine	McKenzie			
Ritchie	Sumter			
Vassanella				

ORDINANCES, PUBLIC HEARINGS AND ADOPTION

Ordinance No. 3657

Mayor Levine offered the following ordinance:

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 5, ADMINISTRATION OF GOVERNMENT, SECTION 5-4, MEETINGS OF TOWNSHIP COUNCIL, SUBSECTION D – MINUTES.

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. McKenzie moved to open the public hearing on the ordinance. Said motion was seconded by Mr. Vassanella 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 public discussion, Mr. Sumter 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. McKenzie moved the final passage of the ordinance and publication in accordance with law. Said motion was seconded by Mr. Vassanella and carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Danile	Eberle			Prasad
Levine	McKenzie			
Ritchie	Sumter			
Vassanella				

PUBLIC DISCUSSION

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

Lucretia Cortelyou, 1892 Amwell Road, spoke of an article where the Board of Adjustment is reviewing an application with three-story units, which need a variance. She asked why the Board of Adjustment is ignoring the Master Plan. She stated that these units will result in more services and children. She stated that the Township Council makes the appointments to the Planning Board and the Board of Adjustment. She spoke of how the appointments were made during the Reorganization Meeting. She stated that there is a need to change how the appointments are made and it is time to find board members that work for the residents.

Mr. Daly replied that the Board is only reviewing the application, it has not been approved to date. He stated that there are problems with the site since it has environmental constrictions. Mr. Rainone stated it is fairly difficult to sustain a variance in these types of applications. Mr. Vassanella stated he was aware of the area and expressed his concerns. He stated the Master Plan would support the project.

Vanessa Massey, 48 Dekalb Street, spoke on the Ordinance amending the Traffic Code in relation to her area. She noted she had attended meetings of the Traffic Bureau. She presented some additional ideas that she would like included in the ordinance. She presented the Township Manager with a petition of additional matters to be addressed. Mr. Daly addressed some of the matters. Mr. Vassanella stated the access points for the Little League field was discussed at the Public Safety Committee.

Phillip Kramer, 429 Canal Road, agreed that the Master Plan should be adhered to and supported the open space tax to purchase more open space. He noted he may even support an increase to the open space tax. He spoke of the increase for the Township Attorney legal fees. He asked if the increase was expected. He asked that Council consider changing the rules of the public discussion so that the Township Manager or Council could address questions by the public at the time they are asked. The current method is not in the best interest of the public. Mayor Levine noted it could be something to consider. Mr. Vassanella noted it needs to be revisited and possibly Council may find a compromise. Mr. Kramer suggested five minutes for the public and two minutes for Council.

John McConville, 5 Stone Leigh Way, asked in connection to the resolution authorizing an appraisal for a tax appeal, how many tax appeals were filed. Mr. Rainone replied 71 residential. Mr. McConville in connection with the emergency appropriation for legal services, suggested a staff attorney be reconsidered. He asked if everyone in the same position would be entitled for a waiver of construction fees. He noted in connection to the purchase of Public Works trucks that he would like to see some old dirty ones rather than the brand new trucks. He questioned the \$400,000 estimated for water supplies. He questioned mortgage foreclosures. He asked for the status of the fire communications. Mr. Daly and Mr. Rainone addressed all of Mr. Conville's questions and concerns.

Robert Mettler, 2303 Amwell Road, wished Mr. McKenzie good luck and a speedy recovery.

Chip Hoever, 80 Veronica Avenue, agreed the Master Plan should be adhered to. He agreed with the Mayor that the Township is spending money fighting taxpayers rather than developers. He spoke of the cost of legal services and agreed an in-house attorney should be considered.

A motion was made by Mr. Vassanella to close the meeting to the public. Said motion was seconded by Mr. Sumter and carried unanimously upon voice vote.

COUNCIL COMMENTS

Mr. Sumter watched last week's meeting with a two-hour discussion, which only made people more confused. He stated there is always a problem on Dekalb Street during baseball season. He expressed his disappointment not to be able to appoint the new Councilperson this evening.

Mr. Vassanella explained that it is the choice of the Party Chair not to submit the names at this time. He stated they are still within the timeframe to submit the three names. Mr. Sumter expressed his disappointment that Mr. McKenzie will not be able to vote on the candidate.

Ms. Danile stated Council tries its best to appoint the best to serve on the Board of Adjustment and Planning Board. She agreed that the Master Plan should be adhered to. In regards to the Kingston School, she suggested to the Township Manager to sell the school since it is not going what it was intended. She stated that the Township's assets are not being fully utilized.

Mr. Vassanella replied in reference to Mr. McConville's concerns regarding the truck purchases, that the Township would choose whichever is the better deal - trade-in or auction. He stated that the money was appropriated in the last budget cycle. He stated there are no vehicles to be purchased in this budget cycle. He stated he would be amenable to discussing a change in the present public discussion format.

Ms. Eberle spoke of two meetings one regarding the aligning of Route 518 where Little Rocky Hill spoke of their concerns. The other meeting was regarding the Route 27 alignments, noting North Brunswick would be fixing Cozzens Lane intersection, which is a

better traffic calming option. She reported that the Kingston School is being used by the dancers and that she is opening the building up for them.

Mr. McKenzie announced that April 17 is the deadline to file your taxes as well as the school board and budget election. He encouraged everyone to vote. He re-expressed his disappointment he could not vote on Mr. Regan's replacement this evening. He stated he would like to be contacted to call in to the meeting on March 13th.

Deputy Mayor Ritchie reiterated her disappointment of not selecting the new Councilperson this evening. In connection with Mr. McKenzie's comments regarding the school election, she would like the joint committee meeting rescheduled before the election.

Deputy Mayor Ritchie clarified for the record the discussion at the November 22, 2005 meeting where the fair share plan was discussed and the two sites were removed from the plan. She spoke of the verbatim minutes of that portion of the meeting. She spoke of the discussion where the sites were in the project and out of the project and back and forth. She stated that at the discussion's end she had recommended the sites be removed from the plan.

Mr. McKenzie stated the consultant was asked to look at various sites to be kept in or taken out. The direction to the consultant was relayed to the Planning Board.

Mr. Vassanella disagreed with Deputy Mayor Ritchie's interpretation of the November 22, 2005 minutes. He stated there was never a vote taken or decision made to take these sites out. The discussion went back and forth and he is unclear what happened. He stood by his previous comments. Since there are two different interpretations of these minutes, he suggested that they be posted on the Township's website.

AMENDMENT OF ORDINANCE

Ordinance No. #3637A

Mayor Levine presented the following ordinance:

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 112, DEVELOPMENT, SECTION 112-6(B), OFFICIAL ZONING MAP (CHANGE ZONE DESIGNATION OF BLOCK 73.01, LOTS 25-27, AND 31-36 FROM A (AGRICULTURAL) TO R-10-H (SINGLE-FAMILY RESIDENTIAL/HISTORIC OVERLAY)

The amendment involves the removal of Lots 28.01, 28.02, 28.04 and 29 from the ordinance as introduced on December 12, 2006.

Mayor Levine stated that the foregoing ordinance is presented to the Township Council for amendment and adoption on this reading, posting, publication in accordance with law and public hearing and final adoption on March 27, 2007 at 7:00 p.m. in the Municipal Complex.

Ms. Danile moved the foregoing ordinance for amendment and adoption on this reading, posting, publication in accordance with law and public hearing and final adoption on March 27, 2007 at 7:00 p.m. at the Municipal Complex. Said motion was seconded by Mr. Sumter and carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Danile	Eberle			Prasad
Levine	McKenzie			
Ritchie	Sumter			
Vassanella				

Ordinance No. 3672 Amend Ordinance No. 3540 – Creation of Special Improvement District for the Township of Franklin Hamilton Street Business Community. (Add Properties to be included in the Special Improvement District.)

Ms. Danile moved to table the ordinance for further review and clarification of what properties needs to be added to the district. Said motion was seconded by Mr. Sumter and carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Danile	Eberle	Ritchie		Prasad
Levine	McKenzie	Sumter		
		Vassanella		

INTRODUCTION OF ORDINANCES

Ordinance #3658

Mayor Levine presented the following ordinance:

AN ORDINANCE RELEASING, EXTINGUISHING AND VACATING THE RIGHTS OF THE PUBLIC IN A PORTION OF A STREET KNOWN AS A PORTION OF OLD NEW BRUNSWICK ROAD IN THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY.

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 March 27, 2007 at 7:00 p.m. in the Municipal Complex.

Ms. Danile moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on March 27, 2007 at 7:00 p.m. at the Municipal Complex. Said motion was seconded by Mr. Sumter and carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Danile	Eberle			Prasad
Levine	McKenzie			
Ritchie	Sumter			
Vassanella				

Ordinance #3673

Mayor Levine presented the following ordinance:

AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 226 - VEHICLES AND TRAFFIC, SECTION 226-10 – NO STOPPING OR STANDING PROHIBITED DURING CERTAIN HOURS” AND SECTION 226-13 – PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS

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 March 27, 2007 at 7:00 p.m. in the Municipal Complex.

Ms. Danile moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on March 27, 2007 at 7:00 p.m. at the Municipal Complex. Said motion was seconded by Mr. Sumter and carried

as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Danile	Eberle			Prasad
Levine	McKenzie			
Ritchie	Sumter			
Vassanella				

Ordinance #3674

Mayor Levine presented the following ordinance:

AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, AUTHORIZING ACCEPTANCE OF CONVEYANCE OF DEED DEDICATIONS – BLOCK 9, LOT 14 – RIGHT-OF-WAY ALONG CANAL ROAD AND BLOCK 9, LOT 16 RIGHT-OF-WAY ALONG COOPER MINE ROAD IN CONNECTION WITH GUND MINOR SUBDIVISION, DOCKET #PLN2006-0009

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 March 27, 2007 at 7:00 p.m. in the Municipal Complex.

Ms. Danile moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on March 27, 2007 at 7:00 p.m. at the Municipal Complex. Said motion was seconded by Mr. Sumter and carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Danile	Eberle			Prasad
Levine	McKenzie			
Ritchie	Sumter			
Vassanella				

Ordinance #3675

Mayor Levine presented the following ordinance:

AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF FRANKLIN, CHAPTER 345, TAXATION BY DELETING AND REPEALING ARTICLE I, REAL PROPERTY TAX ABATEMENT AND REPLACING IT WITH A NEW ARTICLE I, REAL PROPERTY TAX ABATEMENT

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 March 27, 2007 at 7:00 p.m. in the Municipal Complex.

Ms. Danile moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on March 27, 2007 at 7:00 p.m. at the Municipal Complex. Said motion was seconded by Mr. Sumter and carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Danile	Eberle			Prasad
Levine	McKenzie			
Ritchie	Sumter			
Vassanella				

Ordinance #3676

Mayor Levine presented the following ordinance:

ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 180, FEES, ARTICLE III, VITAL STATISTICS RECORDS, SECTION 180-6 FEE SCHEDULE (DECREASE BURIAL PERMIT FEE FROM \$5.00 TO \$1.00 (EFFECTIVE FEBRUARY 9, 2007) AND ADD FEE FOR CIVIL UNION LICENSES - \$10.00 (EFFECTIVE FEBRUARY 19, 2007).

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 March 27, 2007 at 7:00 p.m. in the Municipal Complex.

Mr. McKenzie moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on March 27, 2007 at 7:00 p.m. at the Municipal Complex. Said motion was seconded by Mr. Sumter and carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Danile	Eberle			Prasad
Levine	McKenzie			
Ritchie	Sumter			
Vassanella				

CONSENT AGENDA ITEMS

Upon motion by Ms. Danile, seconded by Mr. Sumter, the following consent agenda items were adopted as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Danile	Eberle			Prasad
Levine	McKenzie			
Ritchie	Sumter			
Vassanella				

Resolution #07-104 Authorize Release of Planning/Building Escrows.

WHEREAS, the Township of Franklin, Somerset County has received escrow monies for purposes of professional fees incurred for review of and/or testimony concerning an application for development in accordance with Section 112-214 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:	Paula Henriques	
ADDRESS:	1057 Hamilton Street Somerset, NJ 08873	
DOCKET NO.	PLN2003-0053	
BLOCK/LOT:	294/-5; 6.01, 37-38	
LOCATION:	1057 Hamilton Street	
TYPE:	Planning Review	
AMOUNT DEPOSITED:	\$1,400.00 (Heyer)	\$1,600.00 (In-Hse)
AMOUNT CHARGED:	<u>1,040.00</u>	<u>440.00</u>
AMOUNT TO BE REFUNDED:	\$ 360.00	\$1,160.00

APPLICANT: Emmett Wilson, Jr. M.D.

ADDRESS: 943 Canal Road
Princeton, NJ 08540

DOCKET NO. ZBA2002-0659

BLOCK/LOT: 20.02/46.05

LOCATION: 943 Canal Road

TYPE: Planning Review

AMOUNT DEPOSITED: \$600.00 (Heyer) \$2,400.00 (In-Hse)

AMOUNT CHARGED: 460.00 120.00

AMOUNT TO BE REFUNDED: \$140.00 \$2,280.00

APPLICANT: Louise M. Robichaud

ADDRESS: 4585 Route 27 – P.O. Box 166
Kingston, NJ 08528

DOCKET NO. ZAB2006-0320

BLOCK/LOT: 3/6

LOCATION: 4585 Route 27

TYPE: Planning Review

AMOUNT DEPOSITED: \$600.00 (Heyer)

AMOUNT CHARGED: 367.50

AMOUNT TO BE REFUNDED: \$232.50

APPLICANT: Headlands Realty Corp.

ADDRESS: 60 State Street
Boston, MA 02109

DOCKET NO. PLN2006-0002

BLOCK/LOT: 514/4.01

LOCATION: Schoolhouse Road & Jensen

TYPE: Planning Review

AMOUNT DEPOSITED: \$24,375.00 (Schoor) \$150.00 (Kemmm) \$9,225.00 (Heyer)

AMOUNT CHARGED: 21,919.00 150.00 2,783.75

AMOUNT TO BE REFUNDED: \$ 2,456.00 \$ 0.00 \$6,441.25

AMOUNT DEPOSITED: \$3,750.00 (In-Hse)

AMOUNT CHARGED: 0.00

AMOUNT TO BE REFUNDED: \$3,750.00

Resolution #07-105 Authorize 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:

Date of Sale: June 8, 2004

Block/Lot: 386.16/12

Name & Address: Monks, Mary Jane E.
#331 1074 Easton Avenue, Suite 11
Somerset, New Jersey 08873

Amount: \$27,235.37

Make Check Payable To: Staple Sewing Aids Pension
90 Dayton Ave., Bldg. 6C
Passaic, New Jersey 07055

Certificate No.: 04-096

Payment Received: February 8, 2007

Date of Sale: June 13, 2002

Block/Lot: 34.08/9.01C0391

Name & Address: Murray, Robert J.
32 Linsey Court
Franklin Park, New Jersey 08823

Amount: \$22,095.53

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

Certificate No.: 02--025

Payment Received: February 7, 2007

Date of Sale: June 8, 2006

Block/Lot: 194/32

Name & Address: DPJ Builders, LLC
P.O. Box 10652
New Brunswick, NJ 08903
(For 134 Green Street)

Amount: \$151.10

Make Check Payable To: James Pilewski
346 South Avenue
Fanwood, New Jersey 07023

Certificate No.: 06-105

Payment Received: February 7, 2007

Date of Sale: June 8, 2006

Block/Lot: 322/14

Name & Address: McCracken, Troy L.
12 Hillcrest Avenue
Somerset, New Jersey 08873

Amount: \$737.29

Make Check Payable To: James C. Older
87 East Mountain Road
Hillsborough, New Jersey 08844

Certificate No.: 06-145

Payment Received: February 16, 2006

Date of Sale: June 30, 2005

Block/Lot: 154/25

Name & Address: Caribbean Palace Inv.
656 Hamilton Street
Somerset, NJ 08873

Amount: \$118,911.11

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

Certificate No.: 05-107

Payment Received: February 8, 2007

Resolution #07-106 Authorize Refund of Tax Overpayments.

WHEREAS, there appears on the books of the Collector of Revenue refunds due

resulting from Tax Overpayments; and

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

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

<u>BLOCK/LOT</u>	<u>NAME/ADDRESS</u>	<u>QTR/YR</u>	<u>AMOUNT</u>
20.10/11.02 C0215	Investors Savings Bank P.O. Box 5008 Short Hills, NJ 07078	1/06 Paid on Wrong Account	1,389.26
468.11/17	Scarinci & Hollenbeck Attorney Trust Account & NSG America Inc. 1100 Valley Brook Avenue P.O. Box 790 Lyndhurst, NJ 07071-0790	03/05 Additional Interest due on tax appeal adjustment	4,833.82

Resolution #07-107 Authorize Insertion in FY2007 Budget – Chapter 159 – FY2006 Body Armor Replacement Fund Grant - \$10,824.74.

WHEREAS, N.J.S.A. 40A: 4-87 provided that the Director of Local Government Services may approve the insertion of any Special Item of Revenue in the Budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the Budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the Township of Franklin in the County of Somerset, State of New Jersey will receive \$10,824.74 with \$0.00 match for FY2006 BODY ARMOR REPLACEMENT FUND GRANT and wishes to amend its 2006 Budget to include a portion of this additional amount as a revenue;

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Franklin, Somerset County hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Budget for the year 2006 in the sum of \$10,824.74, which is now available as revenue from:

Resolution #07-108 Award Contract – HD Supply Waterworks – Water Meters – one-year contract, renewable annually at existing terms and conditions for two additional years – Amount not to exceed \$400,000.00 annually.

WHEREAS, the Township of Franklin is desirous of contracting for the purchase of Water Meters; and

WHEREAS, bids were published in the Courier News and posted on the Township website on January 22, 2007, for receipt of bids on February 6, 2007;

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

HD Supply Waterworks
228 Williamstown Road
Berlin, NJ 08009

\$400,000.00 per year

Renewable annually at existing terms and conditions for two additional years

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 provider; and

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

Resolution #07-109 Authorize Fireworks Display – July 3, 2007 (July 6, 2007 raindate).

WHEREAS, the Township of Franklin has made application for permission to hold a fireworks display on July 3, 2007 in conjunction with Independence Day (rain date July 6, 2007) to be conducted on Township Owned Property within the Municipal Complex; and

WHEREAS, the Uniform Fire Code (NJAC 5:18 et seq.) and the New Jersey Fireworks Act (NJSA 21:2-1 et. seq.) provides that the Governing Body of the Municipality may, upon application in writing, grant permission for a public display of fireworks by certain specified groups, including Municipalities;

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Franklin, County of Somerset and State of New Jersey does hereby grant permission to the Township of Franklin to hold a public display on July 3, 2007 in conjunction with Independence Day (rain date July 6, 2007)to be conducted on Township Owned Property within the Municipal Complex subject to the following conditions:

- (1) Submission to the Director of Fire Prevention an application pursuant to and meeting the specifications of the Uniform Fire Code and the New Jersey Fireworks Act;
- (2) Approval of the location of the storage place for said fireworks by the Director of Fire Prevention;
- (3) Submission of Certificate of Insurance by the Township of Franklin covering the fireworks display and naming the Township of Franklin, Franklin Township Employees, Franklin Township Library and Villagers; and

BE IT FURTHER RESOLVED that, as permitted by the Uniform Fire Code, the fee for this permit is hereby waived.

Resolution #07-110 Authorize Purchase – Schaefer Pyrotechnics – Fireworks Display – Amount Not to Exceed \$15,000.00.

WHEREAS, the Township of Franklin desires to purchase items as follows which do not exceed the bid threshold but which exceed the limits set forth in Chapter 3, Section 3-13; and

WHEREAS, quotations as required by NJSA 40A:11-1 et seq. have been received;

VENDOR: Schaefer Pyrotechnics
376 Harman Bridge Road
Ronks, PA 17572
ITEMS: Fireworks Display
COST: Not to exceed \$15,000.00

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

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

Resolution #07-111 Award Bid – Beyer Brothers – One-ton Pickups with plows with trade in (Amount Not to Exceed \$53,500.00) and Rack Truck with trade in (Amount Not to Exceed \$55,744.00).

WHEREAS, the Township of Franklin is desirous of contracting for the purchase a one-truck pickups with plows with trade in and a rack truck with trade in; and

WHEREAS, bids were published in the Courier News and posted on the Township website on January 22, 2007, for receipt of bids on February 6, 2007;

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

Beyer Brothers Corp.

109 Broad Avenue

Fairview, NJ 07022

One-ton pickups with plows with trade in – amount not to exceed \$55,744.00

Rack truck with trade in – amount not to exceed \$53,500.00

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 provider; and

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

Resolution #07-112 Authorize appropriation to repair wells at the Hageman and Wyckoff-Garretson houses – Amount Not to Exceed \$17,700.00 from the Historic Trust.

WHEREAS, the Historic Trust Fund was established in 1989 for the sole purpose protecting historic structures within Franklin Township; and

WHEREAS, the Meadows Foundation has requested funds from the Township of Franklin's Historic Trust to repair wells at the Hageman and Wyckoff-Garretson houses; and

WHEREAS, both wells had been tested and were found to be deficient and require immediate remediation; and

WHEREAS, the Open Space Advisory Committee has recommended that the Township approve said request;

WHEREAS, estimates have been received that ranged between \$5,800.00 and \$8,850.00;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin that it hereby authorizes funding from the Historic Trust to repair wells at the Hageman and Wyckoff-Garretson Houses in an amount not to exceed \$17,700.00.

Resolution #07-113 Authorize Participation in Somerset County Auction on May 15, 2007.

BE IT AND IT IS HEREBY RESOLVED that the Township Council of the Township of Franklin, County of Somerset and State of New Jersey does hereby authorize the sale

and/or disposal of municipally owned personal property no longer needed for Township use as attached at the Somerset County Auction to be held on May 15, 2007.

BE IT FURTHER RESOLVED that all items shall be sold by sealed bid submitted prior to the date and time specified above through the Somerset County Equipment Auction.

Resolution #07-114 Authorize Waiver of Construction Permit Fees for home located at 1665 Amwell Road that was devastated by fire on March 18, 2005 pursuant to Municipal Code Chapter 146, Section 146-2 (B).

WHEREAS, Code Section 146-2B (1) provides that construction code fees can be reduced for buildings being rebuilt immediately after destruction by fire by resolution by the Township Council; and

WHEREAS, the home of Luis E. and Moraima Mansilla located at 1665 Amwell Road was devastated by fire on March 18, 2005 and are currently in the process of rebuilding their home; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset, State of New Jersey that the construction fees for the rebuilding of a home located at 1665 Amwell Road that was devastated by fire on March 18, 2005 are hereby waived.

Resolution #07-115 Authorize Execution of Agreement with NJDOT for Route 27 Renaissance 2000 Improvement Project (Relocation of Franklin Township Water Facilities).

BE IT AND IT IS HEREBY RESOLVED that the Township Council of the Township of Franklin in the County of Somerset and State of New Jersey does hereby authorize Brian D. Levine, Mayor and Ann Marie McCarthy, Township Clerk to execute on its behalf an agreement with the NJ Department of Transportation for Route 27 Renaissance 2000 Improvement Project.

Resolution #07-118 Authorize Purchase – Fluid Conservation System – Permalog leak detectors for water – Amount Not to Exceed \$9,803.000.

WHEREAS, the Township of Franklin desires to purchase items as follows which do not exceed the bid threshold but which exceed the limits set forth in Chapter 3, Section 3-13; and

WHEREAS, quotations as required by NJSA 40A:11-1 et seq. have been received;

VENDOR: Fluid Conservation System
2001 Ford Circle
Milford, OH 45150
ITEMS: Permalog Leak Detectors for Water
COST: Not to exceed \$9,803.00

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

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

Resolution #07-119 Authorize Issuance of Bingo/Raffle Licenses.

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

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

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

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

<u>NAME OF ORGANIZATION</u>	<u>DATE OF RAFFLE/BINGO</u>
Muhlenberg Foundation, Inc. Park Avenue & Randolph Road, Plainfield, NJ Casino Night – RL#1624 Drawings: Somerset Marriott	March 24, 2007 7:00 pm – 10:00 pm
CentraState HealthCare Foundation, Inc. 916 Highway 33, Suite 6, Freehold, NJ Off-Premise 50/50 – RL#1625 Drawing: The Palace at Somerset Park	September 29, 2007 6:00 pm – 11:30 pm
Somerset Valley YMCA 2 Green Street, Somerville, NJ On-Premise Raffle – RL#1626 Drawing: DoubleTree Hotel, Somerset	April 29, 2007 4:00 pm – 8:00 pm
St. Sharbel Maronite Catholic Church for St. Sharbel Maronite Youth Organization 526 Easton Avenue, Somerset, NJ 08873 Off-Premise 50/50 – RL#1627 Drawing: Church Grounds	June 24, 2007 12:00 pm – 10:00 pm
FHS Band Parents Association 500 Elizabeth Avenue, Somerset, NJ On-Premise 50/50 – RL#1628 Drawing: Franklin High School	March 6, 2007 6:00 pm – 10:00 pm

Resolution #07-120 Authorize Approved Absences from Attendance of Meetings – March and April 2007 – Councilman Fred A. McKenzie – Medical Reasons.

WHEREAS, Councilman Fred A. McKenzie has informed the Township Council that he has medical reasons that would cause him unable to attend Council meetings during the months of March and April 2007; and

WHEREAS, medical reasons are excusable absences;

WHEREAS, Councilman Fred A. McKenzie has requested to be excused from Council meetings during the months of March and April 2007;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that Councilman Fred A. McKenzie is hereby excused from Council meetings during the months of March and April 2007.

Resolution #07-121 Support Renewal of the Garden State Preservation Trust.

Whereas, continued investment in open space preservation is vitally important to the state because of its value for New Jersey's economy, environment, and character; and

Whereas, New Jersey continues to face incredible pressure from development, loosing close to 50 acres of open space daily to new projects; and

Whereas, the Garden State Preservation Trust has helped to establish New Jersey as a national leader in open space preservation, protecting over half a million acres of natural space and farmland since 1998; and

Whereas, the Garden State Preservation Trust is essential not only to the State's conservation programs, but also to the work of counties, municipalities and nonprofit organizations by providing grants and low interest loans to help preserve land for future generations; and

Whereas, even many of the places already protected – our state and local parks – are threatened by inadequate levels of funding for operation, maintenance, and stewardship; and

Whereas, the Garden State Preservation Trust is nearing bankruptcy, with funds to be completely exhausted in 2007 despite the continued need for the programs it makes possible; therefore be it

Be It Resolved, that The Franklin Township Council supports the renewal and strengthening of the Garden State Preservation Trust, to provide \$325 million annually for New Jersey to continue its programs of open space acquisition, farmland and historic site preservation, and the dedication of \$56 million annually to establish a stable source of funding for operation, maintenance, stewardship and capital projects for parks, farmland and natural areas.

Be It Further Resolved that duly authenticated copies of this Resolution shall be transmitted to: New Jersey Conservation Foundation, The Outdoor Recreation Alliance c/o NJAS, Governor Jon Corzine, State Senator Robert Smith, State Assemblyman Upendra Chivukula, and State Assemblyman Joseph V. Egan.

Resolution #07-122 Authorize Purchase – Sterling DiSanto & Associates – Appraisal for the Tax Court of New Jersey, Ramada Inn – Amount Not to Exceed \$10,000.00.

WHEREAS, the Township of Franklin desires to purchase items as follows which do not exceed the bid threshold but which exceed the limits set forth in Chapter 3, Section 3-13; and

WHEREAS, quotations as required by NJSA 40A:11-1 et seq. have been received;

VENDOR: Sterling DiSanto & Associates
145 West End Avenue
Somerville, NJ 08876

ITEMS: Appraisal for Ramada Inn (Block 530.04, Lot 1.01 – 60 Cottontail Lane)

COST: Not to exceed 10,000.00

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

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

and Township Clerk to execute a contract with the above named vendor to purchase the specified items.

Resolution #07-123 Authorize Insertion in FY2007 Budget – Chapter 159 – NJ Law and Public Safety Safe and Secure Grant Program - \$60,000.00.

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Franklin in the County of Somerset, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of fiscal year 2007 in the sum of \$60,000.00 which is now available from the NJ Law and Public Safety Safe and Secure Grant Program in the amount of \$60,000.00;

BE IT FURTHER RESOLVED that the like sum of \$60,000.00 is hereby appropriated under the caption of NJ Law and Public Safety Safe and Secure Grant Program ; and

BE IT FURTHER RESOLVED that the above is a result of funds from the NJ Law and Public Safety Safe and Secure Grant Program in the amount of \$60,000.00.

Resolution #07-124 Authorize Insertion in FY2007 Budget – Chapter 159 – Somerset County Open Space Program Grant (Acquisition of the Galdi Tract) - \$100,000.00.

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Franklin in the County of Somerset, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of fiscal year 2007 in the sum of \$100,000.00 which is now available from the Somerset County Open Space Program Grant (Acquisition of the Galdi Tract) in the amount of \$100,000.00;

BE IT FURTHER RESOLVED that the like sum of \$100,000.00 is hereby appropriated under the caption of Somerset County Open Space Program Grant (Acquisition of the Galdi Tract) ; and

BE IT FURTHER RESOLVED that the above is a result of funds from the Somerset County Open Space Program Grant (Acquisition of the Galdi Tract) in the amount of \$100,000.00.

Resolution #07-126 Award State Contract – Motorola – Purchase of portable and mobile radios, related equipment, installation and programming for the Franklin Township Fire Service addition to the trunked radio system – Amount Not to Exceed \$1,065,000.00.

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

VENDORS:	Motorola 5201 Tollview Drive Rolling Meadows, IL 60008 SC 53804
ITEMS:	Purchase of Portable and Mobile Radios, Related Equipment, Installation and Programming for the Franklin Township Fire Service addition to the Trunked Radio System
COST:	Not to Exceed \$1,065,000.00

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.

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

Resolution #07-127 Authorize Release of Performance Guarantee – Royal Somerset Inn, LLC (formerly Rukh) – Docket #P2000078P – Block 502.01, Lots 47.01, 48.01 & 49.01 – Davidson Avenue – Site Improvements - \$423,109.00.

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

ITEM:	Performance Bond
NAME OF APPLICANT:	Royal Somerset Inn, LLC (formerly Rukh)
ADDRESS OF APPLICANT:	28 Ambrose Valley Lane Piscataway, NJ 08854
DOCKET NO.	P2000078P
NUMBER:	5009352
INSURANCE CO./BANK:	Bond Safeguard Insurance Company
IN THE AMOUNT OF:	\$423,109.00
FOR:	Block 502.01, Lots 47.01, 48.01 & 49.01 – Davidson Avenue – Site Improvements

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

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

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the aforesaid Performance Guarantee in the amount of \$423,109.00 be released to the above named applicant.

RESOLUTIONS VOTED ON SEPARATELY

Resolution No. 07-125 Rescind Resolution #07-070 – Fair and Open Contract – BGIA – Medical Insurance Brokers – February 1, 2007 to January 31, 2008 and Award Non-Fair and Open Contract – BGIA – Medical Insurance Brokers – March 1, 2007 to February 29, 2008.

Mayor Levine presented the following resolution:

WHEREAS, on February 13, 2007, the Franklin Township Council adopted Resolution #07-070, entitled “Award Fair and Open Professional Services Contract – Business & Governmental Insurance Agency (BGIA) – Medical Insurance Broker – February 1, 2007 to January 31, 2008”; and

WHEREAS, said contract should be awarded as a Non-Fair and Open Contract and Resolution #07-070 adopted on February 13, 2007 should be rescinded; and

WHEREAS, a need exists to contract for the below noted services for the Township of Franklin, County of Somerset, New Jersey; and

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

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

WHEREAS, Business & Governmental Insurance Agency (BGIA) has submitted a proposal indicating they will provide Medical Insurance Broker services; and

WHEREAS, Business & Governmental Insurance Agency (BGIA) has completed and submitted a Business Entity Disclosure Certification which certified that Business & Governmental Insurance Agency (BGIA) has not made any reportable contributions to a political or candidate committee in the Township of Franklin in the previous one year, and that the contract will prohibit Business & Governmental Insurance Agency (BGIA) from making any reportable contributions through the term of the contract;

WHEREAS, BGIA will provide the following:

1. Should the Township select the State Health Benefits Plan, BGIA will not charge the Township;
2. An internet portal at no cost to the Township;
3. BGIA shall receive commissions of 3% to 5%

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

- (1) Resolution #07-070 is hereby rescinded;
- (2) Business & Governmental Insurance Agency will provide the following:
 - a) Should the Township select the State Health Benefits Plan, BGIA will not charge the Township;
 - b) An internet portal at no cost to the Township;
 - c) BGIA shall receive commissions of 3% to 5%
- (3) The Mayor and Township Clerk are hereby authorized and directed to execute the below referenced agreement with the below stated vendor, which agreement shall be maintained on file with the Township Clerk and available for public inspection.

- (4) The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.
- (5) 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.
- (6) 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.
- (7) 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: Business & Governmental Insurance Agency (BGIA)
ADDRESS: Plaza None, 900 Route 9 North, Suite 503
Woodbridge, NJ 07095
CONTRACT AMOUNT: N/A
SERVICE: Medical Insurance Broker Services – 03/01/07 to 02/29/08

Upon motion by Mr. McKenzie, seconded by Mr. Sumter, the aforesaid resolution was adopted as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Eberle	Levine	Danile		Prasad
McKenzie	Ritchie	Vassanella		
Sumter				

Resolution #07-116 Authorize Emergency Appropriation - \$100,000.00 – Legal Services, Other Expenses (Township Attorney – FY2007)

WHEREAS, an emergency has arisen with respect to the provisions of legal services to be provided in the fiscal year 2007 budget and the extent and the amount of legal services necessary was unforeseen in preparation of the fiscal year 2007 budget resulting in additional funding necessary in the fiscal year 2007 budget for the aforesaid purpose, and N.J.S.A. 40A:4-46 provides for the creation of an emergency appropriation for the purpose above mentioned; and

WHEREAS, the total amount of emergency appropriation(s) created including the appropriation to be created by this resolution is \$100,000.00 and three percent of the total operations in the budget for the fiscal year 2007 is \$1,476,518.40;

NOW, THEREFORE, BE IT RESOLVED (not less than two-thirds of all members thereof affirmatively concurring) that in accordance with N.J.S.A. 40A:4-48 that:

1. An emergency appropriation be and the same is hereby made for Legal Services – Other Expenses in the amount of \$100,000.00.
2. That said emergency appropriation shall be provided in full in the fiscal year 2008 budget.
3. That two certified copies of this resolution be filed with the Director of Local Government Services.

Resolution #07-117 Authorize Amendment to Professional Services Agreement – Township Attorney FY2007 – Louis N. Rainone, Esq., - Additional \$130,000.00 for FY2007. (\$100,000.00 – Legal Services OE and \$30,000.00 – Open Space Trust)

WHEREAS, by resolution adopted August 8, 2006, Professional Service Agreement was authorized for Louis N. Rainone, Esq., to provide Legal Services in an amount not to exceed \$385,000; and

WHEREAS, a need exists to amend said agreement to provide an additional \$130,000.00 which is needed to provide legal services for the remainder of FY2007; 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 Local Public Contracts Law (N.J.S.A. 40:11-1 et seq.) requires that the resolution authorizing the award of contracts for "PROFESSIONAL SERVICES" without competitive bids must be publicly advertised;

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

- (1) The Mayor and Township Clerk are hereby authorized and directed to execute the below referenced amended agreement with the below stated vendor, which agreement shall be maintained on file with the Township Clerk and available for public inspection.
- (2) This amended agreement is awarded without competitive bidding as a "PROFESSIONAL SERVICE" under the provisions of the Local Public Contracts Law because it is a recognized profession licensed and regulated by law and it is not possible to obtain competitive bids.
- (3) A notice of this action shall be printed in the **LEGAL NEWSPAPER OF 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: LOUIS N. RAINONE, ESQ.
ADDRESS: 500 FRANK W. BURR BOULEVARD
 TEANECK, NJ 07666

**ORIGINAL CONTRACT
 AMOUNT:** \$385,000.00

ADDITIONAL CONTRACT

AMOUNT: \$130,000.00

NEW CONTRACT

AMOUNT: \$515,000.00

SERVICE: Legal Services for the Township of Franklin, in the County of Somerset as Township Attorney for the period July 1, 2006 to June 30, 2007.

Upon motion by Ms. Danile, seconded by Deputy Mayor Ritchie, the aforesaid resolutions (#07-116 and #07-117) were adopted as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Danile	Eberle		Levine	Prasad
McKenzie	Ritchie			
Sumter	Vassanella			

APPOINTMENTS

The following appointments were made unanimously by acclamation:

- Gloria Taylor as Senior Citizen Advisory Committee Alternate Member – Parkside Senior Citizens Club for the unexpired one-year term ending January 31, 2008.
- Robert Puskas as *Agricultural Advisory Committee Member of the Open Space Committee* for a term concurrent with their Agricultural Advisory Committee term (1 year).
- Teresa Danile as *Council Liaison Regular* to the *Fire Prevention Board* for an unexpired one-year term ending December 31, 2007.

ADJOURNMENT

Mr. McKenzie moved to adjourn the meeting at 10:26 p.m. Said motion was seconded by Deputy Mayor Ritchie and carried unanimously upon call of the roll.

Approved: *As Amended.*

Brian D. Levine, Mayor

Date: *March 27, 2007*

Ann Marie McCarthy, Township Clerk