

The Work Session/Regular Meeting of the Township Council of the Township of Franklin, County of Somerset, New Jersey, was called to order by the Mayor at 7:13 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 October 23, 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 Mr. Prasad led the Invocation.

The Township Clerk called the roll.

Present: Ms. Danile (Arrived at 9:15 p.m.), Ms. Eberle, Ms. Francois, Mayor Levine, Mr. Mettler, Mr. Prasad

Absent: Mr. Glicklich, Mr. Sumter, Deputy Mayor Vassanella

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

PROCLAMATIONS

Mr. Mettler read the following proclamations:

Smile Week

WHEREAS, we need strong communities for the same reasons we wish for strong families. Communities look out for each other; know they can make a difference; find solutions to their problems and are essential for democracy to flourish; and

WHEREAS, to build a strong sense of community among all the residents of the Township of Franklin, we can begin with random acts of kindness and volunteerism; and

WHEREAS, we encourage our residents to engage in simple random acts of kindness; and

WHEREAS, the Leadership Somerset SMILE Team is partnering with non-profit organizations to make opportunities to volunteer more accessible and meaningful; and

WHEREAS, we encourage our residents to partner with the SMILE Team to find volunteer opportunities to make a difference in their lives and in their community,

NOW, THEREFORE, I, MAYOR BRIAN D. LEVINE, on behalf of the Township Council of the Township of Franklin, County of Somerset and State of New Jersey, do hereby proclaim November 11-17, 2007 to be **SMILE WEEK IN THE TOWNSHIP OF FRANKLIN**. The SMILE Team can be reached via email at SmileDailySomerset@yahoo.com.

Make a Difference Day

WHEREAS, on October 27, 2007, more than three million Americans will be volunteering in their communities on MAKE A DIFFERENCE DAY; and

WHEREAS, a call to action by USA WEEKEND Magazine, The Points of Light and Hands on Network challenges Americans to spend one Saturday “Making a Difference” in their communities and in the lives of others; and

WHEREAS, citizens will organize many of the volunteer activities taking place on this day; they will roll up their sleeves, reach out to their neighbors and put their hands to work in making a difference,

NOW, THEREFORE, I, BRIAN D. LEVINE, MAYOR OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, NEW JERSEY, on behalf of the Township Council and all citizens of the Township do hereby proclaim **OCTOBER 27, 2007 MAKE A DIFFERENCE DAY** and ask all residents to visit the website www.makeadifferenceday.com to find a project in which to participate to help make a difference in the life of a neighbor.

MAYOR’S REPORT

Mayor Levine presented the following report:

- Welcomed all those attending the meeting as well as the TV viewers.
- Explained how the meeting works for members of the audience and TV viewers.
- Reminded that most Council meetings are public. Council meetings are generally the 2nd and 4th Tuesdays of the month. In November, the 1st meeting is Thursday, November 8th as a result of Election Day on Tuesday, November 6th. In December, only meet on the 2nd Tuesday. The public is invited and encouraged to attend. One can see listings on FTTV-25 and the Township website. In regards to the website, one can sign up for updates of meetings, minutes, etc. One can view the agenda with ordinances and resolutions pending. If one would like to volunteer, he encouraged all to call or write any Council member.
- Reported on the Franklin Youth Initiative (FYI) meeting held on Monday, October 22, 2007. He noted the meeting went well and all were invited to assist time and ideas. This is a coordinated Council effort to combat violence and help youth. It is to coordinate activities in Franklin.
- Reported on correspondence from the Council on Affordable Housing (COAH). It stated that they have accepted the Township’s Fair Share Plan amendment. He noted the Planning Board is the entity to hold hearings and make recommendations for Franklin.
- Thanked Somerset County for \$28,000 for a study for Canal Access: Vision and Strategic Plan.
- Announced that Tuesday, November 6th is Election Day. Encouraged all to vote for the person(s) of their choice.

PUBLIC DISCUSSION

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

John Tibbs, 107 Mark Street, thanked Council for allowing public to share their concerns with them regarding Parkside. He thanked Mr. Prasad for obtaining transportation to those in Parkside to the polls on Election Day. He spoke of the demolition of the Parkside Project and how the Housing Authorizing oppresses minorities. He blamed the Somerset Community Action Program for neglecting the Township’s youth, senior citizens. He stated that they have been negligent in providing adequate housing information to the residents as well as other

necessary services to the community. He stated there is a need to increase the quality of life for Franklin residents and Pastor Soaries is trying to address these issues. He asked that Council direct the Advisory Recreation Council to give back the softball field to those who play softball from the cricket players.

Mayor Levine, a member of the Somerset Community Action Program, disagreed with Mr. Tibb's remarks regarding the Somerset Community Action Program.

Walter Howard, 148 Codington Avenue, read a letter from eleven years ago regarding deed restriction policies and asked that Council reconsider his request for the release of a deed restriction on his property.

Mr. Rainone clarified the following: 1) Mr. Howard purchased this property in 1986 for \$952; 2) the modification to the deed restriction was that he donate the land to Habitat for Humanity; 3) the issue of not needing a subdivision does not change any of the facts of the matter; 4) the decision in 1996 was consistent with Council's policy not to grant deed restriction releases with the exception of affordable housing; and 5) Council is not bound to precedent, they have the ability to change policies. Ms. Francois stated is it not the issue that he purchased the property for \$952 and if sold would make a landfall profit, the issue is that the property was sold with a specific restriction.

Phillip Kramer, 429 Canal Road, TUF, spoke of his involvement with the FTTV-25 candidate debates and the ability to provide this service to avail more information regarding the candidates in three (3) separate debates. He stated the taping of the debates was done by TUF and asked Council to consider the reinstatement of the FTTV-25 volunteer program.

John McConville, 5 Stone Leigh Way, stated it was great to see the debates on FTTV-25. He questioned if the Municipal Judge and Township Attorney receive medical benefits as referenced in Ordinance No. 3721, Mr. Rainone replied if only receives the benefits if he pays for them. Mr. Daly pointed out this provision is in the existing ordinance and is not part of the amendment. He asked if the organization leasing the Kingston School is non-profit. Mr. Daly replied yes and noted that a purpose is to provide the school with maintenance and to open and close the school for other organizations that utilize the schools. He questions the employee ranges in Ordinance No. 3720 for the white collar and Mr. Daly replied it was 3.5% - cost of living.

William Kingsley, 140 Butler Road, spoke on the trails and gave his support. He asked why the trails have to be so close to people's homes. He stated the proposed trail runs the entire length of his backyard. He requested that the Trails Advisory Committee be flexible and asked if they would reroute this trail.

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

COUNCIL COMMENTS

Mr. Prasad announced that he had arranged for transportation to the polls on Election Day for those in Parkside. He also expressed the need to the votes in District 42 that their polling location had been changed to the Consolata Missions as a result of their clubhouse being destroyed by fire. He encouraged all to vote. He expressed his delight with the Canal Access Grant. He spoke of the idea of a Marconi Museum. He supported the televised debates and noted they provide equal access and information to the residents. He announced the TIPS hotline – 873-TIPS.

Ms. Francois restated the issue regarding Mr. Howard's request for a release of a deed restriction. She explained that she missed two of the debates as a result of working in Connecticut and not wanting to miss Council meetings, which are more important. She stated she would be participating in the last debate on October 24th. She expressed her delight on the

Franklin Youth Initiative's attendance. She stated that groups are working together gathering concerns and ideas to better Franklin.

Ms. Eberle addressed the concerns regarding the proposed trails being in one's backyard. She stated that the Trails Advisory Committee, under the guidance of John Clyde need to address this issue, noting the dangerous times we live in and the need to keep residents as safe as possible. She announced there is a Gang Program tomorrow at 7:00 p.m. in the Community Center.

Mr. Mettler agreed with prior comments regarding the November 6th election and encouraged those to take the opportunity to exercise one's right to vote. He noted that he found a 1913 sample ballot where Elias Baker, a Democrat, ran unopposed.

Mayor Levine reiterate the positive comments regarding the televised debates that are being sponsored by the League of Women's Voters. He thanked Mr. Kramer, TUF and others who supported and pushed this issue.

COUNCIL DISCUSSION ITEMS

Hampton Chase HOA Status Report

Mr. Daly reported at the September 25th Council meeting, Mr. DelPiso addressed Council and Mr. Mettler suggested that a status report be given at this meeting.

Mr. Rainone reported he and Mr. Daly reviewed the bylaws and master deed with regards to the Homeowners Association. He stated, while he hadn't had the chance to confer with the Township's Engineering Department, it appeared to be common area property owned by the Homeowners Association. It is a standard document that allows them to amend their bylaws or master deed by 2/3 vote of their homeowner.

The sole purpose of that Homeowners Association appears to be the maintenance of the detention facility. The Homeowners Association and the deed have in it a mechanism for assessing each of the homeowners the cost for that and collecting it and collecting it as a lien against the property in the event people do not pay their homeowner's dues.

Both Mr. Daly and Mr. Rainone looked at the budget and many of the costs that are associated with the budget are related to that and there was a suggestion that there was an enormous administrative cost with regard to this. Mr. Rainone stated it appears from the budget that most of the costs, if the Township undertakes this responsibility, would be the costs we would have also incurred. He stated he did not know if there was necessarily a savings there.

Mr. Rainone stated they have a management company they pay for and he is not able to judge that having this management company is cost efficient for these purposes. They do have a provision in their agreement that they have to audit the books of the Homeowners Association, which is fairly standard.

Mr. Rainone stated the answer to the first question is yes they could dissolve the Homeowners Association and transfer the property to the Township. The problem then becomes when the Township shifts the maintenance of this basin from the Homeowners Association to the Township as a whole, a difficulty is created of how you go about and collect this money from the homeowners. The Homeowners Association is a very efficient way of doing it because they bill and if they don't pay a lien is taken against their property. The Township does not have mechanisms of assessing people individually. Mr. Rainone stated he feels that the Homeowners Association is the most efficient way to handle this unless the Township has determined they want to take over this basin.

Mr. Rainone stated the other thing the Township should realize is this is not the only Homeowners Association in the Township and it is not the only Homeowners Association maintaining a basin. He stated if the Township is prepared to take over this basin, they need to be prepared with the possibility of taking over other basins in other places. He stated that he and Mr. Daly could meet with the Homeowners Association and make suggestions on ways to save money, but it appears to him this is already a situation that works.

Mr. Daly recommended that he and Mr. Rainone meet with Mr. DelPiso again and go over this discussion and ways to help make the situation more feasible. He stated the idea when new developments come is to not burden all the taxpayers and for the homeowners to maintain these basins. He agreed with Mr. Rainone that if the Township does it for one, they would have to do it for all, which would result in expanding the Department of Public Works to handle all these basins.

Preservation of Higgins Farm

Mr. Rainone reported that the Township has been offered the opportunity to take possession of an easement forever deed restricting the Higgins Farm property as Agricultural. He stated the Township has purchased other easements through the State and County programs. He stated the difference with this easement is it is an active cleanup site and the NJ Department of Environmental Protection has issued a Consent Decree with the condition that the deed restriction is given to a governmental entity or a non-profit organization. He stated he is satisfied the Township will not incur any liability in accepting this easement. The Township will become the easement holder with the right to control and enforce the easement. The Township is technically not the owner and therefore incurs no liability.

Mr. Daly added that both the Open Space Advisory Committee and the Agricultural Advisory Committee recommend the acceptance of the easement. Mr. Mettler proposed to accept the easement, noting this is an important piece of property that creates a green space buffer around the Village of Kingston. Mayor Levine stated it should be placed on the next agenda.

Butler Road Proposed Trail Segment

Mr. Daly reported this issue resulted from a Council Work Session discussion regarding trails in this area. He stated Mr. Loos and Mr. Jones spoke of the Eagle Scout who is prepared to start working on this project. Mr. Daly noted Council received a memorandum from Mr. Loos giving the background of this project. Mr. Daly reported there is a deadline for the work to be completed resulting in this discussion and for Council input. He stated the key question is to confirm that the Open Space Advisory Committee and the Trails Advisory Committee are flexible regarding the rerouting of trails from people's backyards.

Mr. Jones stated the Open Space Advisory Committee and the Trails Advisory Committee are flexible on the issues of providing privacy in the terms of screening with berms and or fencing. He stated it would be hard to relocate the proposed trail because of a stream that runs across the property. Mr. Jones explained that the proposed trail links an existing network of trails in the area. Mr. Jones stated a notice was sent by certified mail to those residents most impacted by the proposed trail. He noted the resident who spoke earlier in the meeting, did not return the receipt.

Mayor Levine noted that as a result of recent history on this issue, Council would be overly cautious and aware of the time constraints.

Mr. Jones reiterated that notices were sent to three neighbors mostly impacted, which are approximately 100 feet from the trail. He stated the Committees would do whatever necessary to provide privacy from the trails in the form of screening. He noted this trail is different from the one previously discussed in the way there would be no construction. It is a Boy Scout cutting by hand a pathway. He noted a permit is required for part of the trail as a

result that part of the trail is in wetlands. The Committees are looking for approval from Council so they can move forward with the process. He stated that both the Open Space Advisory Committee and the Agricultural Advisory Committee has discussed this proposed trail and gave its support.

Mr. Daly asked if parking was being considered at either end. Mr. Jones replied there is very little room at Butler Road and the intent was to install a bump-in. Mr. Daly stated there are informal trails existing in the area that are currently being used and this proposed trail will connect the existing network of trails. Mr. Daly asked for clarification for Council that the Trails Advisory Committee would meet with the neighbors to work with them to find an acceptable solution for all involved.

Mr. Jones replied that any privacy issues, they would provide berms, fencing, etc. The issue of rerouting the trail may be impossible with the stream running through the property. They could try to move the trails as close to the stream as possible. He suggested the neighbors attend the Trails Advisory Committee meetings on the second Wednesday of each month.

Mr. Daly stated part of the trail starts in someone's backyard. This neighbor approached the Township regarding this area because it was overgrown. The neighbor asked for the Township to clear the area with the promise he would maintain the area. Mr. Daly noted that not everyone is against trails in the backyards, it is by individual case.

Ms. Eberle expressed her concerns for the residents' safety. Mr. Jones stated that Mr. Clyde has not received any telephone calls from the impacted neighbors. Ms. Eberle stressed her concerns for safety in this area. She stated she loves trails, but these are dangerous times and she wants to be satisfied that the residents in this area are safe.

Ms. Francois asked if Council is only discussing this matter or if they need to take action. Mr. Rainone replied Council is only discussing this matter at this time. Mr. Jones added if Council disapproves the proposed trail, they would not need to apply for the permit. \

Mr. Daly asked for any direction from Council. He stated it appears Council wants to see before plans are finalized that it is acceptable to the resident mostly impacted and that he would follow up on this matter. Mr. Daly stated that DPW and/or Mr. Clyde could reach out to these residents to see what is or what is not acceptable. He understands there are constraints in regards to the stream and relocating the trail. He stated that if Council or the residents are not in agreement, the proposed trail might not be constructed.

Mr. Prasad asked that there not be a repeat of the Smith Road matter. He asked that the Township be proactive and that they reach out to the residents and take care of their concerns. Mr. Jones stated Mr. Clyde could reach out to the residents. He noted that it is almost impossible with the Township's density not to back onto anyone's property line. Ms. Eberle stated she represents this area and wants the residents to be reached out to and be made comfortable with the trails. Mr. Mettler agreed with Ms. Eberle and noted he had previously spoken to one of the neighbors, Mr. Kings who suggested other areas that are more interesting and better suited for trails.

New Municipal Ethics Guidelines

Mr. Prasad, on behalf of Deputy Mayor Vassanella, asked Council to review the materials submitted by Deputy Mayor Vassanella regarding ethic guidelines over the next month and this matter would be rescheduled for a Council meeting in approximately a month. Mr. Rainone noted the documents were good and recommended they be sent to the Ethics Board for their review. He also noted that the Ethics Code is adopted by the Ethics Board.

APPROVAL OF MINUTES

Mayor Levine presented the following minutes for approval: Executive Sessions – 08/14/07; 09/25/07; 10/02/07 (*Financial Oversight*); Work Session/Regular Meetings – 09/25/07; and Special Meeting (Financial Oversight) – 10/02/07.

A motion was made by Ms. Francois, seconded by Mayor Levine to approve the following minutes: Executive Sessions – 08/14/07; 09/25/07; 10/02/07 (*Financial Oversight*); Work Session/Regular Meetings – 09/25/07; and Special Meeting (Financial Oversight) – 10/02/07. Said motion carried as follows upon call of the roll:

<u>AYES</u>	<u>NAYS</u>	<u>ABSENT</u>	<u>ABSTAIN</u>
Eberle		Danile	Eberle (9/25/07 & 10/02/07)
Francois		Glicklich	Mettler (8/14/07)
Levine		Sumter	Prasad (10/2/07)
Mettler		Vassanella	
Prasad			

APPROVAL OF WARRANTS

Mayor Levine presented the following warrants in the amount of \$1,833,566.55 for October 23, 2007 to the Township Council for payment:

1	Current	1,070,513.96
5	Water Operating	576,305.61
4	General Capital	36,500.80
15	Trust Others	5,325.00
19	Self Insurance Trust	3,169.04
11	Recreation Trust	260.00
40	Open Space Trust	11,938.02
2	Grant	25,634.51
20	Affordable Housing	7,000.00
3	Collector Trust	96,353.96
30	Payroll Agency	562.65
	Subtotal	1,833,566.55
	Grand Total	1,833,566.55

Mr. Prasad moved that warrants in the amount of \$1,833,566.55 for October 23, 2007 to be paid. 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>
Eberle	Francois			Danile
Levine	Mettler			Glicklich
Prasad				Sumter
				Vassanella

ORDINANCES – PUBLIC HEARING & FURTHER CONSIDERATION**Ordinance No. 3718**

Mayor Levine presented the following ordinance:

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, SOMERSET COUNTY, NEW JERSEY, MORE PARTICULARLY CHAPTER 112, DEVELOPMENT, SECTION 112-4, DEFINITIONS – AMENDING DEFINITION OF SETBACK.

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.

There being no public discussion, Mr. Mettler moved to close the public hearing on the ordinance. Said motion was seconded by Ms. Francois 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. 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>
Eberle	Francois			Danile
Levine	Mettler			Glicklich
Prasad				Sumter
				Vassanella

Ordinance No. 3720

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 62 - SALARIES & COMPENSATION – SECTION 62-4 – ANNUAL COMPENSATION FOR MANAGERIAL AND EXEMPT EMPLOYEES AND SECTION 62-5 – ANNUAL COMPENSATION FOR FULL TIME WHITE COLLAR MUNICIPAL EMPLOYEES.

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 public discussion, 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 Mr. Mettler and 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
Levine	Mettler			Glicklich
Prasad				Sumter
				Vassanella

Ordinance No. 3721

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 46, PERSONNEL POLICIES, SECTION 46-12, MEDICAL INSURANCE COVERAGE AND SECTION 46-13, RETIREMENT BENEFITS.

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.

John McConville, 5 Stone Leigh Way, asked for clarification regarding the Township Attorney and medical benefits received. Mr. Daly replied that this section in the ordinance is not being amended. The Township Attorney is eligible for medical benefits if he pays for them.

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

Mr. Mettler moved the final passage of the ordinance and publication in accordance with law. 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>
Eberle	Francois			Danile
Levine	Mettler			Glicklich
Prasad				Sumter
				Vassanella

Ordinance No. 3722

Mayor Levine presented the following ordinance:

AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY ACCEPTING A DEED OF DEDICATION AND A DEED OF CONSERVATION EASEMENT IN CONNECTION WITH FRANKLIN COMMONS RETAIL, LLC (BLOCK 521.02, LOTS 5.02, 5.03, 5.04, & 5.05 – CLARKE STREET/SCHOOLHOUSE ROAD)

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.

There being no public discussion, 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 Mr. Mettler and 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
Levine	Mettler			Glicklich
Prasad				Sumter
				Vassanella

ORDINANCES – INTRODUCTION

Ordinance No. 3724

Mayor Levine presented the following ordinance:

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 354, TELECOMMUNICATIONS SERVICES – NEW APPENDIX CHAPTER A404, ABOVENET COMMUNICATIONS .

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 November 20, 2007 at 7:00 p.m. in the Municipal Complex.

Mr. Prasad moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on November 20, 2007 at 7:00 p.m. at the Municipal Complex. Said motion was seconded by Mr. Mettler and 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
Levine	Mettler			Glicklich
Prasad				Sumter
				Vassanella

Ordinance No. 3725

Mayor Levine presented the following ordinance:

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 354, TELECOMMUNICATIONS SERVICES – NEW APPENDIX CHAPTER A405, AT&T.

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 November 20, 2007 at 7:00 p.m. in the Municipal Complex.

Mr. Prasad moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on November 20, 2007 at 7:00 p.m. at the Municipal Complex. Said motion was seconded by Mr. Mettler and 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
Levine	Mettler			Glicklich
Prasad				Sumter
				Vassanella

Ordinance No. 3726

Mayor Levine presented the following ordinance:

AN ORDINANCE AUTHORIZING THE LEASE OF CERTAIN PREMISES OWNED BY THE TOWNSHIP OF FRANKLIN IN THE COUNTY OF SOMERSET AND STATE OF NEW JERSEY, KNOWN AS BLOCK 5.01/LOT 141 TO THE YOUTH RECREATIONAL GROUP TO USE FOR THE PROMOTION OF RECREATION FOR THE YOUTH (ALSO KNOWN AS THE KINGSTON SCHOOL PROPERTY, 25 LAUREL AVENUE)

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 November 20, 2007 at 7:00 p.m. in the Municipal Complex.

Mr. Daly announced there was an amended version of lease in their folders resulting from comments and recommendations made by the NJ Department of Environmental Protection.

Ms. Eberle moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on November 20, 2007 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>
Eberle	Francois			Danile
Levine	Mettler			Glicklich
Prasad				Sumter
				Vassanella

CONSENT AGENDA ITEMS

Upon motion by Mr. Prasad, seconded by Ms. Eberle, 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>
Eberle	Francois			Danile
Levine	Mettler			Glicklich
Prasad				Sumter
				Vassanella

Resolution #07-534 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.

BLOCK/LOT	NAME/ADDRESS	QTR/YR	AMOUNT
530.04/1.01	Franklin Development Co.	4/06	20,711.04
	2115 Linwood Ave., Suite 110	4/07	23,529.90
	Fort Lee, New Jersey 07024	Tax Appeal	

Resolution #07-535 Amend Resolution #07-489 – Add Vinyl Flooring for IT Department – Carpet Showcase – Additional Amount Not to Exceed \$3,991.00.

WHEREAS, the Township of Franklin adopted Resolution #07-489, Authorizing the Purchase of Carpeting for the Manager/Asst. Manager/IT Offices by State Contract to Carpet Showcase, Inc. in the amount of \$16,157.63; and

WHEREAS, it is necessary to amend said resolution to include vinyl flooring for the IT Office in an amount not to exceed \$3,991.00; and

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:

Carpet Showcase, Inc.
1488 Route 22 East
Bridgewater, NJ 08807
State Contract 65750

ITEMS: Vinyl Flooring for IT Office

COST: \$3,991.00

TOTAL COST OF CONTRACT: \$20,048.63 (Total of Resolutions #07-489 & #07-535).

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 add purchase the specified items under State Contract.

Resolution #07-536 Authorize Reduction of Performance Guarantee – A. Beverly Built Homes – PLN2004-0050 – Block 171.01/Lots 166-171 – Lillian Avenue – Letter of Credit #05-001 from \$18,537.40 to \$5,561.22 – Checks 4061 & 4042 from \$4,954.40 to \$1,486.22.

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

NAME OF APPLICANT: A. Beverly Built Homes
ADDRESS OF APPLICANT: 20 Walnut Street
Somerset, NJ 08873
SITE PLAN DOCKET: PLN2004-0050
FOR: Site Improvements for Block 171.01/Lots 166-177
Lillian Street
ITEM: Irrevocable Letter of Credit
NUMBER: #05-001
INSURANCE CO./BANK: New Millennium Bank

IN THE AMOUNT OF: \$18,537.40

ITEM: Checks

NUMBER: #4061 & 4042

INSURANCE CO./BANK: New Millennium Bank

IN THE AMOUNT OF: \$4,954.40

WHEREAS, the Township Engineer, after inspection, recommends reduction of the aforesaid Irrevocable Letter of Credit and Checks;

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 Irrevocable Letter of Credit #05-001 from \$18,537.40 to \$5,561.22 and Checks #4061 and 4042 from \$4,954.40 to \$1,486.22 to the above named applicant.

Resolution #07-537 Authorize Fireworks Display – The Palace – November 10, 2007 – 8:30 pm to 9:30 p.m. – Hunterdon Medical Center Charity Event.

WHEREAS, The Palace has made application for permission to hold a fireworks display on November 10, 2007 in conjunction with the Hunterdon Medical Center Charity Fundraiser to be conducted at The Palace, 333 Davidson Avenue, Somerset between 8:30 p.m. and 9:30 p.m.; 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 organizations or groups of individuals;

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 Palace to hold a public display of fireworks on November 10, 2007 in conjunction with the Hunterdon Medical Center Charity Fundraiser to be conducted at The Palace, 333 Davidson Avenue, Somerset between 8:30 p.m. and 9:30 p.m. 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 Palace covering the fireworks; and
- (4) Submission of Surety as per N.J.S.A. 21:3-5.

Resolution #07-538 Authorize Raffle/Bingo 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:

NAME OF ORGANIZATION DATE OF RAFFLE/BINGO

Sts. Peter & Paul Byzantine Catholic Church 285 Hamilton Street, Somerset, NJ 08873 Bingo - BL# 1668 On-Premise 50/50 – RL#1669 Drawings - Auditorium	<u>2008 Schedule – Bingo & 50/50</u> 5:00 pm – 11:00 pm Jan. 3,10,17,24,31 Feb. 7,14,21,28 March 6,13,27 April 3,10,17,24 May 1,8,15,22,29 June 5,12,19,26 July 3,10,17,24,31 Aug. 7,14,21,28 Sept. 4,11,18,25 Oct. 2,9,16,23,30 Nov. 6,13,20 Dec. 4,11,18
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Bingo – BL#1670 On-Premise 50/50 - RL#1671	Jan. 1, 2008 11:00 am – 5:00 pm
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Altar Rosary Society Sts. Peter & Paul Byzantine Catholic Church 285 Hamilton Street, Somerset, NJ 08873 BL#1672 Drawings: Auditorium	<u>2008 Schedule – Bingo</u> 11:00 am – 5:00 pm Jan. 6,13,20,27 Feb. 3,10,17,24 Mar. 3,10,17,24,31 April 14,21,28 May 5,12,19,26 June 2,9,16,23,30 July 7,14,21,28 Aug. 4,11,18,25 Sept. 1,8,15,22,29 Oct. 6,13,20,27 Nov. 3,10,17,24 Dec. 1,8,15,29
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BL#1673 - Drawings: Auditorium	May 26 & Sept. 1, 2008
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Spartan Club of Immaculata High School 240 Mountain Avenue, Somerville, NJ Casino Night – RL#1674 Drawings: Elizabeth Avenue Fire House	November 10, 2007 6:30 pm – 12:00 am
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Resolution #07-539 Authorize Release of Winter Bond – David Brywka – BRA06-039 – Block 52, Lot 3.01 – 35 Central Avenue - \$500.00.

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

ITEM:	Winter Bond
NAME OF APPLICANT:	David Brywka
ADDRESS OF APPLICANT:	35 Central Avenue Franklin Park, NJ 08823
NUMBER:	106
INSURANCE CO./BANK:	N/A
DOCKET:	BRA06-039
IN THE AMOUNT OF:	\$500.00
FOR:	Block 52, Lot 3.01 – 35 Central Avenue

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 \$500.00 be released to the above named applicant.

Resolution #07-540 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:	Ronald Weshnak		
ADDRESS:	20 Walnut Street Somerset, NJ 08873		
DOCKET NO.	PLN2004-0050		
BLOCK/LOT:	171.01/166-177		
LOCATION:	Lillian Street		
TYPE:	Planning Review		
AMOUNT DEPOSITED:	\$1300.00 (Schoor)	\$657.50 (Heyer)	\$542.50 (In-Hse)
AMOUNT CHARGED:	<u>892.50</u>	<u>657.50</u>	<u>50.00</u>
AMOUNT TO BE REFUNDED:	\$ 407.50	0.00	\$492.50

APPLICANT:	A. Beverly Built Homes		
ADDRESS:	20 Walnut Street		
DOCKET NO.	PLN2006-0026		
BLOCK/LOT:	171.01/166.01		
LOCATION:	Lillian Street		
TYPE:	Planning Review		
AMOUNT DEPOSITED:	\$1,180.50 (Schoor)	\$660.00 (Heyer)	\$659.50 (In-Hse)
AMOUNT CHARGED:	<u>1,180.50</u>	<u>660.00</u>	<u>280.00</u>
AMOUNT TO BE REFUNDED:	0.00	0.00	\$379.50

Resolution #07-541 Excuse Councilwoman Teresa Danile from November and December 2007 Council Meetings.

WHEREAS, Councilwoman Teresa Danile has informed the Township Council that she will be out of the country for work-related reasons that would cause her unable to attend Council meetings during the months of November and December 2007; and

WHEREAS, work-related reasons are excusable absences;

WHEREAS, Councilwoman Danile has requested to be excused from Council meetings during the months of November and December 2007;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that Councilwoman is hereby excused from Council meetings during the months of November and December 2007.

Resolution #07-542 Authorize Reduction of Performance Guarantee – A. Beverly Built Homes – PLN2005-0026 – Block 171.01/Lots 166-171 & 190-196 – Lillian Avenue – Letter of Credit #06-001 – Site Improvements – From \$19,068.00 to \$5,720.40.

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

NAME OF APPLICANT:	A. Beverly Built Homes
ADDRESS OF APPLICANT:	20 Walnut Street Somerset, NJ 08873
SITE PLAN DOCKET:	PLN2005-0026
FOR:	Site Improvements for Block 171.01/Lots 166-177 & 190-196 Lillian Street
ITEM:	Irrevocable Letter of Credit
NUMBER:	#06-001
INSURANCE CO./BANK:	New Millennium Bank
IN THE AMOUNT OF:	\$19,068.00

WHEREAS, the Township Engineer, after inspection, recommends reduction of the aforesaid Irrevocable Letter of Credit;

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 Irrevocable Letter of Credit #06-001 from \$19,068.00 to \$5,720.40 to the above named applicant.

Resolution #07-543 Authorize Reduction of Performance Guarantee – Joel Mann LLC – ZBA2005-0196 – Block 6, Lot 29 – 4222 Route 27 – Check #217 – Site Improvements – From \$57,802.02 to \$17,340.61.

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

NAME OF APPLICANT:	Joel Mann LLC
ADDRESS OF APPLICANT:	20 Vliet Drive Hillsborough, NJ 08844
SITE PLAN DOCKET:	PLN2005-0196
FOR:	Site Improvements for Block 6/Lot 29 4222 Route 27
ITEM:	Performance Bond
NUMBER:	#217
INSURANCE CO./BANK:	N/A
IN THE AMOUNT OF:	\$57,802.02

WHEREAS, the Township Engineer, after inspection, recommends reduction of the aforesaid Performance Bond;

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 Bond from \$57,802.02 to \$17,340.61 to the above named applicant.

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: *Personnel – Tax Assessor Candidate.*
- 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 Ms. Francois, 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>
Eberle	Francois			Danile
Levine	Mettler			Glicklich
Prasad				Sumter
				Vassanella

The meeting adjourned to Executive Session at 8:58 p.m. Ms. Danile arrived during the Executive Session. The meeting reconvened to public at 9:20 p.m.

ADJOURNMENT

Ms. Francois moved to adjourn the meeting at 9:20p.m. Said motion was seconded by Mr. Mettler and carried unanimously upon call of the roll.

Approved: *As Submitted.*

Brian D. Levine, Mayor

Date: *November 20, 2007*

Ann Marie McCarthy, Township Clerk