

**WORK SESSION/REGULAR MEETING
FRANKLIN TOWNSHIP COUNCIL**

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 Township Clerk 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 Franklin Township Municipal Complex at 7:00 p.m. on January 11, 2005. 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. Eberle led the Invocation.

The Township Clerk called the roll.

Present: Ms. Ashley-Williams, Mr. Chivukula (arrive at 7:21 p.m.), Ms. Eberle, Mr. Levine, Mr. McKenzie, Mr. Regan, Ms. Ritchie, Mr. Sumter

Absent: Ms. Danile

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

PRESENTATION OF NEW TOWNSHIP SEAL AND PORTRAITS

Mark Grossman, PBA President, Pat Colligan, PBA Delegate and Richard Grammar, SOA President presented to the Township Council a new Township Seal and newly framed portraits of Presidents George Washington and Abraham Lincoln. The seal and portraits are located on the wall behind the Council's dias. Every member of the Township Council expressed their gratitude and commended the Franklin Township Police Department.

COMMENDATION

Eugene Unger

Mayor Levine and Deputy Mayor McKenzie presented former Councilman Unger the following commendation:

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

WHEREAS, **EUGENE UNGER** was appointed as Councilman Ward 2 at the January 27, 2004 Regular Meeting of the Franklin Township Council; and

WHEREAS, during his tenure as Councilman Ward 2, **EUGENE UNGER** succeeded in demonstrating excellence in local government service; and

WHEREAS, in addition to his duties on the Township Council, **EUGENE UNGER** served as Community Foundation Inc. Member, Council Representative to the Special Improvement District Advisory Committee, Council Liaison to the Board of Education and Traffic Management Subcommittee Member; and

WHEREAS, while serving on the Township Council, **EUGENE UNGER** was instrumental in the design, construction and completion of the Veterans' Memorial;

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 **EUGENE UNGER** for his dedication and service to our community and for the benefits reaped by the Township of Franklin through his efforts and wish him success and happiness in future endeavors.

January 11, 2005

/s/ Brian D. Levine, Mayor

MAYOR'S REPORT

Mayor Levine announced that there are copies of the agendas, resolutions and ordinances by the Township Clerk. He stated the 2005 Township Council Meeting schedule has changed to Combination Work Session/Regular Meetings held on the 2nd and 4th Tuesdays at 7:00 p.m. Mayor Levine thanked all of the volunteers involved with the videotaping of Council meetings.

Mayor Levine announced that the Battle of Bound Brook re-enactment would be held on April 23 and 24, 2005. He also announced that the Martin Luther King Jr. breakfast is scheduled for Monday, January 17, 2005 at 9:00 a.m. at the Doubletree Hotel.

Mayor Levine reported that there are many shared service agreements listed on the consent agenda and noted that they are result of the Township trying to provide more services at less cost.

DEPUTY MAYOR'S REPORT

Deputy Mayor McKenzie announced that the Planning Board would be holding several meetings between January 12th and February 9th regarding updating the master plan. He stated that the first meeting is scheduled for January 12th at Kingston.

Deputy Mayor McKenzie announced that a Special Meeting of the Township Council is scheduled for Tuesday, January 18, 2005 at 7:00 p.m. The purpose of the meeting is to receive community input regarding the Millstone Valley Redevelopment Area.

Mayor Levine announced that the Township was awarded a \$100,000 grant for connection of area residents to the public water system from the New Jersey Department of the Treasury. Mayor Levine also announced that the Township was awarded a \$10,000 grant for police substation at Community Action Program from the New Jersey Department of the Treasury.

Mr. Chivukula reported on the tsumami aid relief efforts. He stated there are 50-60 temples that are housing orphaned children. He reported on the efforts of collecting backpacks and filling them with school supplies. Mr. Chivukula stated if anyone is interested in the relief effort to contact his office.

Mayor Levine announced that the Township has been awarded a \$364,845 Community Development Block Grant for 2005.

Mayor Levine reported that the date for the Council Retreat needs to be rescheduled from the January 30th date. A brief discussion ensued and was concluded with the Council members giving the Township Manager their schedules. It was the consensus of Council to finalize the new date at the Special Meeting scheduled on the 18th.

REVIEW OF PREPARED AGENDA

Mayor Levine led a discussion of the prepared agenda.

Introduction of Ordinances

#3518 – Amend Code Chapter 236, Water – Article IV, Water Rates and Meters.

Ms. Ritchie asked for clarification of this ordinance. Ms. McCarthy stated that during the preliminary audit, the auditors found that the charges for water meters was incorrect and this ordinance corrects the charges.

#3519 – Bond Ordinance Amending Bond Ordinance No. 3364 Providing for the Acquisition of Various Utility Vehicles, Equipment and Tools and the Acquisition of GIS Utility Software to Implement GIS Mapping Services for the Water Utility by increasing the Appropriation by \$130,000

In response to questions raised by Ms. Ritchie and Mr. Regan, Ms. McCarthy explained that the this ordinance was previously introduced by never adopted because of problems with the Supplemental Debt Statement. It had also been on other agendas and tabled because it could not be adopted until the annual debt statement was completed.

#3520 – Amend Code Chapter 32.04, Renaissance Redevelopment Plan, List Certain Parcels as Not Subject to Taking Through Eminent Domain and to List Standards for Redevelopment and Rehabilitation of Residential Infill Properties.

Ms. Ritchie stated that the sentence in the ordinance “and to list standards for redevelopment and rehabilitation of residential infill properties” does not belong in the ordinance. Both Mr. Daly and Mr. Rainone agreed and the ordinance was amended to reflect that omission. Mr. Rainone explained that after introduction the ordinance is required to be referred to the Planning Board for their review and recommendation. Thee public hearing for this ordinance will be determined at a later date.

#3521 – Authorize Acquisition of Block 9, Lot 47.22 (11 Stephen Drive); Block 10, Lot 6.03 (Kiss Farm - Old Georgetown Road) and Block 10, Lots 2 & 6.04 (80 County Rte. 518 & 91 Old Georgetown Road) for Open Space Purposes.

Ms. Ritchie stated that she had raised environmental concerns regarding the 11 Stephen Drive parcel. She further stated that she was concerned with the ability for development and the environmental constraints on the property. Mr. Daly stated that he had reviewed the property’s subdivision plans and there are no legal restrictions for development and any environmental constraints would be considered in the appraisal and the purchase price.

Ms. Ritchie reiterated that there are significant environmental restrictions and she is not certain that the property should be preserved. Mr. Daly stated that these concerns were considered by the John Loos, Open Space Consultant. He stated that there is s steep slope on the property, but it is possible to build one house on the property and the purchase price considers that factor. He stated that the Open Space Advisory Committee feels this parcel is worth acquisition. He stated that the Open Space Advisory Committee recommends not to develop the land, but to preserve it because of its mature trees and wooded area.

Ms. Ritchie asked for the reason of the difference of the two (2) Kiss properties’ appraisal. Mr. Daly replied he would review the appraisals and forward the information to Ms. Ritchie.

#3522 – Rescinding Bond Ordinance 3509 and Amending Bond Ordinance 3256 to include Block 507.14, Lots 63.01 & 64 (477-479 Elizabeth Avenue); Block 9, Lot 47.22 (11 Stephen Drive); Block 10, Lot 6.03 (Kiss Farm - Old Georgetown Road) and Block 10, Lots 2 & 6.04 (80 County Rte. 518 & 91 Old Georgetown Road).

Ms. Ritchie asked why the Elizabeth Avenue property was included in the bond ordinance. Ms. McCarthy explained that Council has previously adopted a bond ordinance that included this property. It was found that the notice was correct, therefore that bond ordinance has to be rescinded and added to this new bond ordinance.

#3524 – Bond Ordinance Providing for the Extension of Water Mains along portions of various roadways for the Water Utility of the Township and Appropriating \$157,100 therefore and Authorizing the Issuance of \$157,500 bonds or notes of the Water Utility of the Township to finance the costs thereof.

A lengthy discussion ensued by various Council members regarding their concerns regarding this ordinance. Mr. Daly explained that there are many steps involved in this project. He stated that the Township Attorney advised that an ordinance designating the Zone of Involvement was not needed and that the Health Director would be responsible for designating the Zone of Involvement. In order for this project to progress, funds need to be in place. This ordinance only appropriates funding to provide for the extension of water mains along portions of various roads in the Franklin Park section of the Township. Mr. Rainone pointed out procedurally that a funding source needs to be in place before any action can take place. Mr. Daly pointed out that the money does not have to be spent just because the money was appropriated.

#3525 – Amending Code Chapter 3, Administration, more particularly Section 3-4 – Meetings of the Township Council.

A discussion ensued regarding the amendments to this section of this Code. Mayor Levine expressed his opposition to adding Deputy Mayor to Section 3-4 B, Agenda, which makes in one of the presiding officer of the Council and included in consultation of the proposed agenda. Both Mr. Rainone and Mr. Chivukula explained that other governmental bodies include both the majority and minority leaders in the agenda process. Mr. Rainone stated that this change is needed since the Mayor can be part of the minority party. Mayor Levine raised some questions regarding the proposed standing committees. Mayor Levine also expressed his concerns of “hard coding” a limit on public discussion.

Resolution #05-017 – Authorize Discharge of Affordable Housing Mortgage – Gomez – 237 Columbus Drive, Franklin Park.

Resolution #05-023 – Award Professional Services Agreement – Schoor DePalma – Design a site plan for the Memorial Arboretum (Toto/Gierlich tracts) in an amount not to exceed \$16,455.00

Ms. Ritchie asked that Resolution #05-017 be removed from the Consent Agenda because she has to recused herself for voting on this resolution.

Ms. Ritchie asked that Resolution #05-023 be removed from the Consent Agenda. A brief discussion ensued regarding what the agreement with Schoor DePalma would entail. Ms/ Ritchie offered her services, at no charge, to design the site plan for the Memorial Arboretum.

COUNCIL DISCUSSION ITEMS

No Parking on Kathryn Street

Mr. Daly referred to the recommendation memorandum from Sergeant Vornlocker. He stated that this would address the overflow parking problem. It was the consensus of the Council to introduce this ordinance at the January 25th meeting. Deputy Mayor McKenzie stated he looked at the street and found it congested and this would help the situation. Mr. Chivukula stated that the no parking restriction needs to be enforced.

Public Notice of Pending Development Application Sign

Mayor Levine suggested that signs be posted at sites where there are development applications pending to provide better notice of said applications. Mr. Rainone stated that this

was a court case in Edison and it was struck down because it is not specified in the notice requirements in state statute. He stated that municipal land use law has specific provisions regarding notice requirements and there is no provision for signs.

Mr. Chivukula commended the new meeting scheduled for have two combination meetings per month. He stated that some members of the public would attend the first work session and miss the second meeting. This schedule allows the public to see issues worked out and provides more information.

APPROVAL OF MINUTES

Upon motion by Mr. Chivukula, seconded by Deputy Mayor McKenzie, the following minutes were approved:

Regular Meeting of December 14, 2004 (as submitted)
 Executive Session of December 14, 2004 (as amended)
 Reorganization Meeting of January 4, 2005 (as submitted)

Said minutes were approved as follows upon call of the roll:

Ayes: Ashley-Williams, Chivukula, Eberle, Levine, McKenzie, Regan, Ritchie, Sumter
 Nays: None
 Absent: Danile
 Abstain: Regan (12/14/04 Executive Session only)

APPROVAL OF WARRANTS

Mayor Levine presented the following warrants in the amount of \$1,437,577.63 for January 11, 2005 to the Township Council for payment:

1	Current	640,535.78
5	Water Operating	74,835.50
6	Water Capital	3,309.46
4	General Capital	197,332.67
15	General Trust	3,004.08
18	Self Insurance Trust	20,552.21
21	Recreation Trust	417.08
12	Open Space Trust	8,795.50
2	Grant	14,734.45
3	Collector Trust	125,937.71
13	Redevelopment Agency	15,167.98
23	Agency	1,236.90
	Sub-Total	1,105,859.32
25	Escrow Account	331,718.31
	Grand Total	1,437,577.63

Deputy Mayor McKenzie moved that warrants in the amount of \$1,437,577.63 for January 11, 2005 to be paid. Said motion was seconded by Ms. Ashley-Williams and carried unanimously upon call of the roll.

ORDINANCES, PUBLIC HEARING & FINAL ADOPTION

Ordinance No. 3514

Mayor Levine offered the following ordinance:

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

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. Chivukula moved to open the meeting for a public hearing on the ordinance. Said motion was seconded by Mr. Sumter and carried unanimously upon call of the roll.

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

There being no comments by the public, Deputy Mayor McKenzie moved to close the public hearing on the ordinance. Said motion was seconded by Mr. Chivukula and carried unanimously upon call of the roll.

Ms. Ritchie moved the final passage of the ordinance and publication in accordance with law. Said motion was seconded by Deputy Mayor McKenzie and carried as follows upon call of the roll:

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

Ordinance No. 3516

Mayor Levine offered the following ordinance:

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

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.

Deputy Mayor McKenzie moved to open the meeting for a public hearing on the ordinance. Said motion was seconded by Ms. Ritchie and carried unanimously upon call of the roll.

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

There being no comments by the public, Deputy Mayor McKenzie moved to close the public hearing on the ordinance. Said motion was seconded by Mr. Chivukula and carried unanimously upon call of the roll.

Deputy Mayor McKenzie moved the final passage of the ordinance and publication in accordance with law. Said motion was seconded by Mr. Regan and carried as follows upon call of the roll:

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

PUBLIC DISCUSSION

Aruna Mettler, 2303 Amwell Road, Real Estate Agent with Barrood Real Estate at 700 Easton Avenue, addressed Council regarding issues relating to Ordinance #3482 – Sign Regulations. She urged Council to reconsider the contents of Ordinance #3482 and to modify it.

Mr. Rainone stated that the provisions regarding real estate signs were not one of the changes made to the sign regulations in Ordinance #3482. He suggested that he and the Township Manager meet with a small group of realtors too discuss proposed changes to the sign ordinance. Mr. Daly stated that some of the suggestions made by the realtors are workable and he looks forward to meeting with them.

Courtney Throckmorton, 591 Somerset Street, stated that with one less Council meeting per month, five minutes per speaker for public discussion is not enough time. He suggested to split the difference and allow the public to speak 7.5 minutes. He thanked Ms. Ritchie for offering her services regarding the design plan for the Memorial Forest and saving the Township money.

Mr. Throckmorton opposed the proposed changes to Chapter 3 – Section 3-4 – Township Council Meetings. He expressed his concern that Council is removing the Mayor's authority and power. He stated that the Mayor was elected by the people with the expectation of him having his prescribed duties.

Mr. Throckmorton asked for clarification regarding the spending of open space funds, specifically are the funds allowed to be used for maintenance.

Mr. Throckmorton expressed his concern of the vacancy still present on the Redevelopment Agency. He disagreed with the appointments made at the Reorganization Meeting and stated he felt they were partisan appointments. He stated that one member that was reappointed has missed many meetings. He asked that the remaining appointment be filled by someone with knowledge and a vested interest in the area.

Mr. Rainone replied that the Mayor's authority has not been changed in the proposed ordinance. He stated the Mayor still chairs the meeting and makes the appointments to the Library Board. He stated the only change is that the Township Manager can consult with both the Mayor and Deputy Mayor when setting the agenda.

Ms. Ashley-Williams stated that she did not share Mr. Throckmorton's opinion regarding the Redevelopment Agency. She stated that there are many resumes that have been received and are being reviewed for the last appointment to the Redevelopment Agency. She stated that a decision would be made soon.

Lucretia Cortelyou, 1892 Amwell Road, asked why a site plan was needed for the Memorial Forest. She stated that it was her understanding that this was to be an open field and trees. She expressed her concerns regarding the money being spent on this project and other open space projects. She stated that it is time to cut spending.

Ms. Cortelyou asked if Green Acres requires land that has been purchased with Green Acres funds be improved. Mr. Rainone replied in the negative and noted that they prefer the land to remain undeveloped. Ms. Cortelyou expressed her concerns and opinion that any spending for the Memorial Forest is frivolous.

Shirley Pietrucha, 49 9th Street, expressed her concerns and opposition to the changes proposed in Ordinance No. 3525 regarding the Mayor's authority and limiting public discussion. She expressed her concerns regarding the proposed standing committees and that since they are not required to adhere to the open public meetings act, there would be no recording of the meeting and not part of public record. She feels that the ordinance would bring costly litigation to the Township.

Ms. Pietrucha recommended the following be deleted from the ordinance because it is in violation of the open public meetings act:

Oral Petitions and Remarks. Under the heading of “Public Discussion” any person may address the Council on any matter ~~over which the Council has jurisdiction.~~

Mr. Rainone agreed and “over which the Council has jurisdiction” was deleted from the ordinance.

Susan Schaffer-Baker, Weichert Realtor, thanked Council for being proactive and looked forward to meeting with the Township Manager and Attorney regarding the sign ordinance.

Philip Kramer, 429 Canal Road, TUF, agreed with Courtney Throckmorton’s comments regarding Ordinance No. 3525. Mr. Rainone replied that the Mayor’s power was not changed in the ordinance. Mr. Kramer disagreed and expressed his concerns of the erosion of the Mayor’s authority. He also expressed his opposition to the erosion of the time for public speaking. He referred to Ms. Ritchie being a member of the John Grosso Truth Squad and noted he would not have supported limiting public discussion.

He thanked Mr. Chivukula for his help in obtaining grant funding and applauded his efforts. He expressed his interest in the meeting regarding the sign ordinance, noting that there are others that should be involved.

Tom Vislocky, 60 McGruffy Road, expressed his opinion that the remaining appointment to the Redevelopment Agency should be filled by someone who interested and spends time in the area.

Ms. Ashley-Williams replied that they are aware of what requirements are needed for the person to serve on the Redevelopment Agency. She stated that they are considering all the resumes received and would be fair to everyone.

Mr. Throckmorton spoke on the various proposed open space purchases. He stated that the voters did not vote to spend the funds on maintenance.

COUNCIL COMMENTS

Ms. Eberle expressed her contentment that the community attends meetings and addresses real problems. She commended Ms. Ritchie for her suggestion and offer to save the Township money by offering her services for the Memorial Forest site plan. She spoke of the Martin Luther King Breakfast scheduled for Monday, January 17th. She thanked the public for attending the meeting.

Mr. Sumter spoke of the Martin Luther King Breakfast and noted that it is a time to pay respect to a great man.

Mr. Regan thanked Mr. Unger for his service on Council and for his hard work on the Veterans Memorial. He stated that the Mayor’s authority has not been changed. He stated that the idea of standing committees is a good one because it allows more interaction between Council and Department Heads.

Mr. Chivukula spoke of the Martin Luther King Breakfast, noting it is a celebration that is important to attend. He spoke in favor of the standing committees and stated that they are not circumventing public discussion. In response to a comment regarding an appointee’s attendance, he suggested that attendance reports be received by the Boards to Council. He thanked Mr. Unger for his service on Council and work on the Veterans’ Memorial.

Ms. Ritchie stated that Ordinance No. 3525 does not limit the Mayor’s role. She stated that the standing committees allow Council to discuss issues. The ordinance provides the Deputy Mayor to be included in the agenda process. She stated that she is not a member of the “John

Grosso Truth Squad” and further noted that there is no actual membership. She stated that she does support what Mr. Grosso stood for. She expressed her support of public input and hopes it continues.

INTRODUCTION OF NEW ORDINANCES

Ordinance No. 3517

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 52 - SALARIES & COMPENSATION - SECTION 52-3, ANNUAL BASE COMPENSATIONS FOR ELECTED AND APPOINTED EMPLOYEES/OFFICIALS (MAYOR, TOWNSHIP COUNCIL); SECTION 52-4, ANNUAL COMPENSATION AND LONGEVITY FOR MANAGERIAL AND EXEMPT EMPLOYEES AND SECTION 52-5, ANNUAL COMPENSATION FOR FULL-TIME WHITE COLLAR MUNICIPAL EMPLOYEES.

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 February 8, 2005.

Deputy Mayor McKenzie moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on February 8, 2005. Said motion was seconded by Mr. Regan and carried as follows upon call of the roll:

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

Ordinance No. 3518

Mayor Levine presented the following ordinance:

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY MORE PARTICULARLY CHAPTER 236, WATER – ARTICLE IV, WATER RATES AND METER CHARGES

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 February 8, 2005.

Deputy Mayor McKenzie moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on February 8, 2005. Said motion was seconded by Mr. Regan and carried as follows upon call of the roll:

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

Ordinance No. 3519

Mayor Levine presented the following ordinance:

BOND ORDINANCE AMENDING AND SUPPLEMENTING BOND ORDINANCE NUMBER 3364 HERETOFORE FINALLY ADOPTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP ON FEBRUARY 11, 2003 ENTITLED, "BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF VARIOUS UTILITY VEHICLES, EQUIPMENT AND TOOLS AND THE ACQUISITION OF GIS UTILITY SOFTWARE TO IMPLEMENT GIS MAPPING SERVICES FOR THE WATER UTILITY OF THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$347,500 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$347,500 BONDS OR NOTES OF THE WATER UTILITY OF THE TOWNSHIP TO FINANCE THE COSTS THEREOF," TO INCREASE THE APPROPRIATION THEREIN BY \$130,000 AND TO INCREASE THE AUTHORIZATION OF BONDS OR NOTES THEREIN BY \$130,000 TO FINANCE THE ADDITIONAL COSTS THEREOF

Mayor Levine stated that the foregoing ordinance is presented to the Township Council for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on February 8, 2005.

Deputy Mayor McKenzie moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on February 8, 2005. Said motion was seconded by Mr. Sumter and carried as follows upon call of the roll:

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

Ordinance No. 3520

Mayor Levine presented the following ordinance:

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 112, DEVELOPMENT - SECTION 32.04, RENAISSANCE 2000 REDEVELOPMENT PLAN.

Mayor Levine stated that the foregoing ordinance is presented as amended to the Township Council for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption to be determined at a later date.

Mr. Regan moved the foregoing ordinance for adoption on first reading, as amended, posting, publication in accordance with law and public hearing and final adoption on a date to be determined. 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>
Ashley-Williams	Chivukula			Danile
Eberle	Levine			
McKenzie	Regan			
Ritchie	Sumter			

Ordinance No. 3521

Mayor Levine presented the following ordinance:

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

Mayor Levine stated 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 February 8, 2005.

Deputy Mayor McKenzie moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on February 8, 2005. Said motion was seconded by Mr. Chivukula and carried as follows upon call of the roll:

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

Ordinance No. 3522

Mayor Levine presented the following ordinance:

BOND ORDINANCE RESCINDING BOND ORDINANCE NUMBER 3509 AND AMENDING BOND ORDINANCE NUMBER 3256 FINALLY ADOPTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP ON DECEMBER 11, 2001 ENTITLED, “BOND ORDINANCE PROVIDING FOR THE PAYMENT OF THE PURCHASE PRICE FOR THE ACQUISITION OF LANDS FOR OPEN SPACE AND FARMLAND PRESERVATION, ALL LAWFUL AND PUBLIC PURPOSES, BY AND IN THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY (THE “TOWNSHIP”); APPROPRIATING \$14,400,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$13,680,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF,” AS AMENDED BY BOND ORDINANCE NUMBER 3293 FINALLY ADOPTED ON JUNE 13, 2002, AS AMENDED BY BOND ORDINANCE NUMBER 3369 FINALLY ADOPTED ON APRIL 8, 2003, AS AMENDED BY BOND ORDINANCE NUMBER 3401 FINALLY ADOPTED ON SEPTEMBER 23, 2003, TO AMEND THE DESCRIPTION THEREOF.

Mayor Levine stated 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 February 8, 2005.

Deputy Mayor McKenzie moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on February 8, 2005. Said motion was seconded by Mr. Chivukula and carried as follows upon call of the roll:

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

Ordinance No. 3523

Mayor Levine presented the following ordinance:

BOND ORDINANCE AMENDING BOND ORDINANCE NUMBER 3180 FINALLY ADOPTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF FRANKLIN ON DECEMBER 12, 2000 ENTITLED, “BOND ORDINANCE PROVIDING FOR THE IMPROVEMENT OF VARIOUS PARKS THROUGHOUT THE TOWNSHIP, ALL LAWFUL PUBLIC PURPOSES, IN AND BY THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY (THE “TOWNSHIP”); APPROPRIATING \$200,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$190,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF,” AS AMENDED BY

BOND ORDINANCE NUMBER 3278 FINALLY ADOPTED ON MARCH 15, 2002, AND AS FURTHER AMENDED BY BOND ORDINANCE NUMBER 3367 FINALLY ADOPTED ON MARCH 25, 2003, TO AMEND THE DESCRIPTION THEREOF.

Mayor Levine stated that the foregoing ordinance is presented to the Township Council for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on February 8, 2005.

Ms. Eberle moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on February 8, 2005. Said motion was seconded by Mr. Sumter and carried as follows upon call of the roll:

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

Ordinance No. 3524

Mayor Levine presented the following ordinance:

BOND ORDINANCE PROVIDING FOR THE EXTENSION OF WATER MAINS ALONG PORTIONS OF VARIOUS ROADWAYS FOR THE WATER UTILITY OF THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$157,500 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$157,500 BONDS OR NOTES OF THE WATER UTILITY OF THE TOWNSHIP TO FINANCE THE COSTS THEREOF

Mayor Levine stated that the foregoing ordinance is presented to the Township Council for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on February 8, 2005.

Mr. Chivukula moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on February 8, 2005. Said motion was seconded by Deputy Mayor McKenzie and carried as follows upon call of the roll:

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

Ordinance No. 3525

Mayor Levine presented the following ordinance:

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN IN THE COUNTY OF SOMERSET AND STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 3, ADMINISTRATION – SECTION 3-4, MEETINGS OF THE TOWNSHIP COUNCIL – (AGENDA)

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 February 8, 2005.

Mayor Levine moved to amend Section 3-4 B (1) by eliminating Deputy Mayor and eliminating the five (5) minute per speaker for 1 hour maximum from the Combination Work Session/Regular Meeting section. There was no second, therefore the motion died.

Deputy Mayor McKenzie moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on February 8, 2005. Said motion was seconded by Mr. Sumter and carried as follows upon call of the roll:

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

CONSENT AGENDA

Upon motion by Deputy Mayor McKenzie, seconded by Mr. Sumter, the following Consent Agenda, as amended, was adopted as follows upon call of the roll:

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

Resolution #05-005 Authorize Insertion in Budget - Chapter 159 – NJ Office of the Attorney General Dept. of Law and Public Safety Division of Highway Traffic Safety in the amount of \$6,950 for Child Passenger Safety Education.

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 \$6,950.00 with \$0.00 match for NJ OFFICE OF THE ATTORNEY GENERAL DEPARTMENT OF LAW AND PUBLIC SAFETY DIVISION OF HIGHWAY TRAFFIC SAFETYFOR CHILD PASSENGER SAFETY EDUCATION and wishes to amend its 2005 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 2005 in the sum of \$6,950.00, which is now available as revenue from:

NJ OFFICE OF THE ATTORNEY GENERAL DEPARTMENT OF LAW AND PUBLIC SAFETY DIVISION OF HIGHWAY TRAFFIC SAFETYFOR CHILD PASSENGER SAFETY EDUCATION

BE IT FURTHER RESOLVED that a like sum of \$6,950.00, NJ OFFICE OF THE ATTORNEY GENERAL DEPARTMENT OF LAW AND PUBLIC SAFETY DIVISION OF HIGHWAY TRAFFIC SAFETYFOR CHILD PASSENGER SAFETY EDUCATION, be and the same is hereby appropriated under the caption of:

**NJ OFFICE OF THE ATTORNEY GENERAL DEPARTMENT OF LAW AND PUBLIC
SAFETY DIVISION OF HIGHWAY TRAFFIC SAFETYFOR CHILD PASSENGER SAFETY
EDUCATION**

BE IT FURTHER RESOLVED that the Township Clerk forward CERTIFICATION – GRANTS/SPECIAL ITEM OF REVENUE AND APPROPRIATION endorsed by the Township Clerk and the Chief Financial Officer to the Director of Local Government Services.

Resolution #05-006 Authorize Insertion in Budget - Chapter 159 – NJ Department of Health and Senior Services in the amount of \$26,170 for Family Planning Services.

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 \$26,170.00 with \$0.00 match for NJ DEPARTMENT OF HEALTH AND SENIOR SERVICES – FAMILY PLANNING SERVICES and wishes to amend its 2005 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 2005 in the sum of \$26,170.00 which is now available as revenue from:

**NJ DEPARTMENT OF HEALTH AND SENIOR SERVICES – FAMILY PLANNING
SERVICES**

BE IT FURTHER RESOLVED that a like sum of \$26,170.00, NJ DEPARTMENT OF HEALTH AND SENIOR SERVICES – FAMILY PLANNING SERVICES, be and the same is hereby appropriated under the caption of:

**NJ DEPARTMENT OF HEALTH AND SENIOR SERVICES – FAMILY PLANNING
SERVICES**

BE IT FURTHER RESOLVED that the Township Clerk forward CERTIFICATION – GRANTS/SPECIAL ITEM OF REVENUE AND APPROPRIATION endorsed by the Township Clerk and the Chief Financial Officer to the Director of Local Government Services.

Resolution #05-007 Authorize Insertion in Budget - Chapter 159 – NJ Department of Community Affairs in the amount of \$125,000 for Neighborhood Preservation Program.

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 \$125,000.00 with \$0.00 match for – NJ DEPARTMENT OF COMMUNITY AFFAIRS – NEIGHBORHOOD PRESERVATION PROGRAM and wishes to amend its 2005 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 2005 in the sum of \$125,000.00 which is now available as revenue from:

NJ DEPARTMENT OF COMMUNITY AFFAIRS – NEIGHBORHOOD PRESERVATION PROGRAM

BE IT FURTHER RESOLVED that a like sum of \$125,000.00, – NJ DEPARTMENT OF COMMUNITY AFFAIRS – NEIGHBORHOOD PRESERVATION PROGRAM, be and the same is hereby appropriated under the caption of:

NJ DEPARTMENT OF COMMUNITY AFFAIRS – NEIGHBORHOOD PRESERVATION PROGRAM

BE IT FURTHER RESOLVED that the Township Clerk forward CERTIFICATION – GRANTS/SPECIAL ITEM OF REVENUE AND APPROPRIATION endorsed by the Township Clerk and the Chief Financial Officer to the Director of Local Government Services.

Resolution #05-008 Authorize Insertion in Budget - Chapter 159 – Somerset County Department of Human Services in the amount of \$45,379 for the Franklin Municipal Alliance with a required Township match of \$11,345.

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 \$45,379.00 with \$11,345.00 match for – SOMERSET COUNTY DEPARTMENT OF HUMAN SERVICES - FRANKLIN MUNICIPAL ALLIANCE and wishes to amend its 2005 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 2005 in the sum of \$45,379.00 which is now available as revenue from:

SOMERSET COUNTY DEPARTMENT OF HUMAN SERVICES - FRANKLIN MUNICIPAL ALLIANCE

BE IT FURTHER RESOLVED that a like sum of \$45,379.00, – SOMERSET COUNTY DEPARTMENT OF HUMAN SERVICES - FRANKLIN MUNICIPAL ALLIANCE, be and the same is hereby appropriated under the caption of:

SOMERSET COUNTY DEPARTMENT OF HUMAN SERVICES - FRANKLIN MUNICIPAL ALLIANCE

BE IT FURTHER RESOLVED that the Township Clerk forward CERTIFICATION – GRANTS/SPECIAL ITEM OF REVENUE AND APPROPRIATION endorsed by the Township Clerk and the Chief Financial Officer to the Director of Local Government Services.

Resolution #05-009 Authorize Insertion in Budget - Chapter 159 – Somerset County United Way Youth Mini-Grant in the amount of \$1,000 to expand P.L.A.Y. Programs to include 6&7 year olds.

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 \$1,000.00 with \$0.00 match for – SOMERSET COUNTY UNITED WAY YOUTH MINI-GRANT and wishes to amend its 2005 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 2005 in the sum of \$1,000.00 which is now available as revenue from:

SOMERSET COUNTY UNITED WAY YOUTH MINI-GRANT

BE IT FURTHER RESOLVED that a like sum of \$1,000.00, – SOMERSET COUNTY UNITED WAY YOUTH MINI-GRANT, be and the same is hereby appropriated under the caption of:

SOMERSET COUNTY UNITED WAY YOUTH MINI-GRANT

BE IT FURTHER RESOLVED that the Township Clerk forward CERTIFICATION – GRANTS/SPECIAL ITEM OF REVENUE AND APPROPRIATION endorsed by the Township Clerk and the Chief Financial Officer to the Director of Local Government Services.

Resolution #05-010 Authorize Insertion in Budget – Chapter 159 – NJ Department of the Treasury, Division of Administration in the amount of \$100,000 for connection of Franklin Park area residents to the public water system.

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 \$100,000.00 with \$0.00 match for – NJ DEPARTMENT OF THE TREASURY, DIVISION OF ADMINISTRATION – CONNECTION OF FRANKLIN PARK AREA RESIDENTS TO PUBLIC WATER SYSTEM and wishes to amend its 2005 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 2005 in the sum of \$100,000.00 which is now available as revenue from:

**NJ DEPARTMENT OF THE TREASURY, DIVISION OF ADMINISTRATION –
CONNECTION OF FRANKLIN PARK AREA RESIDENTS TO PUBLIC WATER SYSTEM**

BE IT FURTHER RESOLVED that a like sum of \$100,000.00, – NJ DEPARTMENT OF THE TREASURY, DIVISION OF ADMINISTRATION – CONNECTION OF FRANKLIN PARK AREA RESIDENTS TO PUBLIC WATER SYSTEM, be and the same is hereby appropriated under the caption of:

**NJ DEPARTMENT OF THE TREASURY, DIVISION OF ADMINISTRATION –
CONNECTION OF FRANKLIN PARK AREA RESIDENTS TO PUBLIC WATER SYSTEM**

BE IT FURTHER RESOLVED that the Township Clerk forward CERTIFICATION – GRANTS/SPECIAL ITEM OF REVENUE AND APPROPRIATION endorsed by the Township Clerk and the Chief Financial Officer to the Director of Local Government Services.

Resolution #05-011 Authorize Insertion in Budget – Chapter 159 - NJ Department of the Treasury, Division of Administration in the amount of \$10,000 for police substation at Somerset Community Action Program, 900 Hamilton Street.

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 \$10,000.00 with \$0.00 match for – NJ DEPARTMENT OF THE TREASURY, DIVISION OF ADMINISTRATION – SOMERSET COMMUNITY ACTION PROGRAM – POLICE SUBSTATION and wishes to amend its 2005 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 2005 in the sum of \$10,000.00 which is now available as revenue from:

**NJ DEPARTMENT OF THE TREASURY, DIVISION OF ADMINISTRATION – SOMERSET
COMMUNITY ACTION PROGRAM – POLICE SUBSTATION**

BE IT FURTHER RESOLVED that a like sum of \$10,000.00, – NJ DEPARTMENT OF THE TREASURY, DIVISION OF ADMINISTRATION – SOMERSET COMMUNITY ACTION PROGRAM – POLICE SUBSTATION, be and the same is hereby appropriated under the caption of:

**NJ DEPARTMENT OF THE TREASURY, DIVISION OF ADMINISTRATION –
CONNECTION OF FRANKLIN PARK AREA RESIDENTS TO PUBLIC WATER SYSTEM**

BE IT FURTHER RESOLVED that the Township Clerk forward CERTIFICATION – GRANTS/SPECIAL ITEM OF REVENUE AND APPROPRIATION endorsed by the Township Clerk and the Chief Financial Officer to the Director of Local Government Services.

Resolution #05-012 Authorize Application/Grant Agreement to NJ Department of the Treasury, Division of Administration in the amount of \$100,000 for connection of Franklin Park area residents to the public water system.

WHEREAS, Franklin Township desires to apply for and obtain a grant from the New Jersey Department of the Treasury for \$100,000 to carry out a project to connect Franklin Park area residents to the public water system;

NOW, THEREFORE, BE IT RESOLVED, that the Franklin Township Council does hereby authorize the application for such a grant; and, upon receipt of the grant agreement from the New Jersey Department of the Treasury, does further authorize the execution of the grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of said agreement between the Township of Franklin and the New Jersey Department of the Treasury.

BE IT FURTHER RESOLVED, that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith and act as representatives of the aforementioned organization:

Resolution #05-013 Authorize Application/Grant Agreement to NJ Department of the Treasury, Division of Administration in the amount of \$10,000 for police substation at Somerset Community Action Program, 900 Hamilton Street.

WHEREAS, Franklin Township desires to apply for and obtain a grant from the New Jersey Department of the Treasury for \$10,000 to carry out a project to provide a Police Substation;

NOW, THEREFORE, BE IT RESOLVED, that the Franklin Township Council does hereby authorize the application for such a grant; and, upon receipt of the grant agreement from the New Jersey Department of the Treasury, does further authorize the execution of the grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of said agreement between the Township of Franklin and the New Jersey Department of the Treasury.

BE IT FURTHER RESOLVED, that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith and act as representatives of the aforementioned organization:

Resolution #05-014 Authorize NJ Department of Law and Public Safety Safe and Secure Communities Program Continuation Funding Grant Application. (This grant provides \$60,000 to continue police personnel grant for two positions.)

WHEREAS, the Township of Franklin in the County of Somerset, State of New Jersey wishes to apply for funding a project under the Safe and Secure Communities Program (**Grant No. P-2746**); and

WHEREAS, the Township of Franklin has reviewed the accompanying application and has approved said request; and

WHEREAS, the project is a joint effort between the Department of Law and Public Safety and Township of Franklin for the purpose described in the application;

THEREFORE, BE IT RESOLVED by the Mayor and Council that:

- (1) As a matter of public policy Franklin Township wishes to participate to the fullest extent possible with the department of Law and Public Safety.
- (2) The Attorney General will receive funds on behalf of the applicant.
- (3) The Division of Criminal Justice shall be responsible for the receipt and review of the applications for said funds.
- (4) The Division of Criminal Justice shall initiate allocations to each applicant as

authorized.

Resolution #05-015 Authorize Grant Application to NJDEP Green Acres Planning Incentive Grant. (This is the Township's Annual Request for fund its open space acquisition program in the amount of \$1,000,000.00)

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program ("State"), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Franklin Township desires to further the public interest by obtaining funding in the amount of \$1,000,000.00 from the State to fund the following project(s): Open Space Acquisition (Scott Farm) at a cost of \$1,000,000.00;

NOW, THEREFORE the governing body/board resolves that Brian D. Levine or the successor to the office of Mayor is hereby authorized to:

- a) Make application for such a loan and/or such a grant,
- b) Provide additional application information and furnish such documents as may be required, and
- c) Act as the authorized correspondent of the above named applicant; and

WHEREAS, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding award; and

WHEREAS, the applicant is willing to use the State's funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the State for the above named project;

NOW, THEREFORE, BE IT RESOLVED BY THE Franklin Township Mayor and Council:

1. That the Mayor of the above named body or board is hereby authorized to execute an agreement and any amendment thereto with the State known as Open Space Acquisition (Scott Farm).
2. That the applicant has its matching share of the project, if a match is required, in the amount of \$1,000,000.00;
3. That, in the event the State's funds are less than the total project cost specified above, the applicant has the balance of funding necessary tot complete the project;
4. That the applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and
5. That this resolution shall take effect immediately.

Resolution #05-016 Appealing Somerset County's denial of Planning Incentive Grant (PIG) funding for the Riya Investment Corporation (Block 58, Lots 9.01 and 10.05).

WHEREAS, The Township has authorized the Agricultural Advisory Committee (AAC) to accept and review applications for farmland preservation through a Planning Incentive Grant (PIG) program that is run by the SADC; and

WHEREAS, the funding for preserving farms under this PIG program is normally 60% from the SADC, 20% from Somerset County (in the event that Somerset County approves

participation in a particular farm) and either 20% from the Township if the County is paying 20%, or 40% from the Township if the County is not paying 20%; and

WHEREAS, the AAC has received applications from farms that are known as Riya Investment Corporation, Block 58, Lot 10.05 and Riya Investment Corporation Block 58, Lot 9.01; and

WHEREAS, Somerset County's CADB has told the Township that it will not participate in cost sharing in these two farms; and

WHEREAS, the CADB has a new policy that clarifies that they generally will not participate in cost sharing of farms that are less than 25-acres; and

WHEREAS, these farms are approximately 12.26-acres and 6.56-acres, respectively; and

WHEREAS, these farms were previously approved by the CADB and the Somerset County Freeholders for funding under the PIG program when they were under the ownership of the Berenyi family; and

WHEREAS, the reason that these lots were not preserved under the PIG program when the Berenyi's owned these farms was because Somerset County took many months to prepare a contract for the Berenyi's after the Berenyi's had agreed upon a price to preserve their farm, but because of the many months delay, the Berenyi's sold their farm to the developer, Riya Investment Corporation; and

WHEREAS, were it not for Somerset County's delay in preparing a contract these farms would have been preserved under Berenyi ownership;

NOW THEREFORE, BE IT RESOLVED THAT the Township Council supports sending a letter of protest and appeal to the Somerset County Freeholders asking them to agree to participate in funding these lots under the same conditions that they were going to be preserved when they were in Berenyi ownership.

Resolution #05-018 Authorize Refund of Water Overpayments.

WHEREAS, there appears on the books of the Collector of Revenue water monies to be refunded as follows:

<u>BLOCK/LOT</u>	<u>NAME/ADDRESS</u>	<u>REASON</u>	<u>AMOUNT</u>
20.03/9.03 C2403	Sangisetty, Anansa 34 Rose Bay Court Monmouth Junction NJ 08852	Overpayment Due to Bad Reading	\$420.42

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

NOW, THEREFORE, BE IT RESOLVED that the Treasurer of the Township of Franklin, County of Somerset and State of New Jersey be instructed to draw checks in the amounts covering the overpayments and to deliver such checks to the proper person.

Resolution #05-019 Authorize Release of Construction Water Meter Escrow Monies.

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

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

APPLICANT: **GFA DEVELOPMENT COMPANY LLC**
 ADDRESS: 727 Raritan Road
 Clark NJ 07066

AMOUNT DEPOSITED: \$2,145.00
 AMOUNT TO BE DEPOSITED IN WATER ACCOUNT
 FOR SERVICE CHARGE & WATER USAGE \$711.20
 AMOUNT TO BE REFUNDED: \$1,433.80

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

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

Resolution #05-020 Authorizing Tax Title Lien Redemptions – 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: 73.03/2
Name & Address: Wusu, Neil O.
 2 Grouser Road
 Somerset NJ 08873
Amount: \$74,490.06
Make Check Payable To: American Tax Funding
 PO Box 862658
 Orlando FL 32886-2658
Certificate No.: 040026
Payment Received: December 8, 2004

Date of Sale: April 10, 1997
Block/Lot: 130/17
Name & Address: Triggs, Arthur & Olga
 23 Millstone Road
 Somerset NJ 08873
Amount: \$2,643.77
Make Check Payable To: Mabel Arinzeh
 108 Drake Road
 Somerset NJ 08873
Certificate No.: 97-02
Payment Received: December 20, 2004

Date of Sale: June 7, 2001
Block/Lot: 287.01/51
Name & Address: Hudson, Calvin

45 Arden Street
Somerset NJ 08873

Amount: \$683.19
Make Check Payable To: Robin Morley
PO Box 1438
East Windsor NJ 08520

Certificate No.: 01-109
Payment Received: December 13, 2004

Date of Sale: June 11, 1998
Block/Lot: 424.08/14.01 C0032
Name & Address: Antunes, Edmund
32 Bolton Court
Somerset NJ 08873

Amount: \$245.47
Make Check Payable To: Herbert Sehgel
PO Box 284
Kingston NJ 08528

Certificate No.: 98-206
Payment Received: December 2, 2004

Date of Sale: June 10, 2003
Block/Lot: 468.09/29
Name & Address: CSLTPC, Incorporated
314 Route 22 West
Green Brook NJ 08812
(7 Cedar Grove Lane)

Amount: \$44,031.21
Make Check Payable To: Crusader Servicing Corporation
179 Washington Lane
Jenkintown PA 19046

Certificate No.: 03-229
Payment Received: December 17, 2004

Resolution #05-021 Authorize Release of Planning/Building Review Escrow.

WHEREAS, the Township of Franklin, Somerset County has received escrow monies for purposes of professional fees incurred for review of and/or testimony concerning an application for development in accordance with Section 112-29 of the Code of the Township of Franklin; and

WHEREAS, the project has been completed and the Township Engineer has certified to the Township Clerk the amount of money charged against the escrow and has recommended that the balance remaining as set forth be returned to the applicant:

APPLICANT: THE WOODLANDS AT SOMERSET, LLC
ADDRESS: 1056 Route 22 West
Bridgewater NJ 08807

DOCKET NO: PLN2002-0071
BLOCK/LOT: 508.02/3
LOCATION: Weston Road/Cedar grove Lane

AMOUNT DEPOSITED: \$750.00 Heyer
AMOUNT CHARGED: 500.00
AMOUNT TO BE REFUNDED: \$250.00

APPLICANT: SATELLITE BUILDERS, LLC
ADDRESS: 192 Route 22 West, Suite 1R
Greenbrook NJ 08812

DOCKET NO: BRA02-027

Building Review

BLOCK/LOT: 196/1.04
 LOCATION: 10-14 Highland Avenue
 AMOUNT DEPOSITED: \$350.00
 AMOUNT CHARGED: <290.00>
 AMOUNT TO BE REFUNDED: \$ 60.00

APPLICANT: CENTX HOMES (RENAISSANCE AT FRANKLIN)
 ADDRESS: 500 Craig Road
 Manalapan, NJ 07726
 DOCKET NO: PLN2001-0034 Plan Review
 BLOCK/LOT: 507/37.04&47
 LOCATION: Weston Road
 AMOUNT DEPOSITED: \$53,200.00
 AMOUNT CHARGED: 48,765.38
 AMOUNT TO BE REFUNDED: \$ 4,434.62

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

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

Resolution #05-022 Authorize Franklin Township to enter into a Cooperative Pricing Agreement with the Township of Bernards for the Purchase of Technology including Equipment, Programs, Consulting Services and Related Items and Services.

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to enter into Cooperative Pricing Agreements; and

WHEREAS, the Township of Bernards hereinafter referred to as the *Lead Agency* has offered voluntary participation in a Cooperative Pricing System for the purchase of technology; and

WHEREAS, the Township of Franklin, County of Somerset, State of New Jersey, desires to participate in the Municipal Technology Cooperative Pricing System.

NOW THEREFORE, BE IT RESOLVED on the 11th day of January, 2005, by the Governing Body of the Township of Franklin, County of Somerset, State of New Jersey, as follows:

TITLE

This RESOLUTION shall be known and may be cited as the Cooperative Pricing Resolution of Franklin Township.

AUTHORITY

Pursuant to the provisions of N.J.S.A. 40A: 11-11(5), the Mayor of the Township of Franklin is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.

CONTRACTING UNIT

The Lead Agency shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S.A. 40A: 11-1 et. seq.) and all other provisions of the revised statutes of the State of New Jersey.

EFFECTIVE DATE

This resolution shall take effect immediately upon passage.

Resolution #05-024 Reject Snow Plowing II Bids (Trucks bidder proposed did not meet the minimum size requirements.)

WHEREAS, one (1) bid was received and the trucks which the bidder proposed using did not meet the minimum size requirements; and

WHEREAS, this is the second time the Township bid for snow plowing; pursuant to N.J.S.A. 40A:11-5(3), the Township can negotiate for this service;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, Somerset County, New Jersey that the bids for the Snow Plowing II be and they are hereby rejected.

Resolution #05-025 Award Contract for HVAC Service of Municipal Buildings to Binsky Service for the Public Safety Building in the total amount of \$42,235 (\$15,575 annually for maintenance and \$26,660 for repairs as needed) and Carrier Corporation for all Township Buildings excluding Public Safety Building in the total amount of \$33,350 (\$8,600 annually for maintenance and \$24,750 for repairs as needed).

WHEREAS, a notice to bidders for the receipt of bids for HVAC Maintenance of Township Buildings and the Public Safety Building and Repairs as needed for all Township Buildings and the Public Safety Building was published in the Courier News on November 15, 2004, with an addendum on December 2, 2004 for receipt on December 9, 2004; and

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

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

BINSKY SERVICES (Public Safety Building)

281 Centennial Avenue
Piscataway, NJ 08854

Total amount not to exceed \$42,235

CARRIER CORPORATION (All Other Township Buildings)

14-30 Madison Road
Fairfield, NJ 07004

Total amount not to exceed \$33,350

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

Resolution #05-026 Award Contract to Della Pello Paving Inc. for Old Bennetts Lane Pavement Resurfacing in the amount of \$88,370 and for Berger Street Improvements in the amount of \$163,845.

WHEREAS, a notice to bidders for the receipt of bids for Old Bennetts Lane Pavement Resurfacing and Berger Street Improvements was published in the Courier News on November 15, 2004, with addendums on December 3, 2004 and December 13, 2004 for receipt on December 21, 2004; and

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

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

DELLO PELLO PAVING, ING.
40 Milltown Road
Union, NJ 07083

*Old Bennetts Lane Pavement Resurfacing in an amount not to exceed \$88,370 and
Berger Street Improvements in an amount not to exceed \$163,845*

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

Resolution #05-027 Award Professional Services Agreement to General Code for the recodification of the Municipal Code in the amount of \$35,225.

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 hereon 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. 40:11-5 (1) (x) et seq.) requires that the resolution authorizing the award of contracts for the printing of municipal ordinances and other services incurred in connection with the revision and codification of municipal ordinances made without competitive bids must be publicly advertised;

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

- (1) The Mayor and Township Clerk are hereby authorized and directed to execute the below referenced agreement with the below stated vendor, which agreement shall be maintained on file with the Township Clerk and available for public inspection.
- (2) This agreement is awarded without competitive bidding as an "Exemption from Bidding" under the provisions of the Local Public Contracts Law because it is an authorized exception specifically pertaining to the primary duties of the Municipal Clerk.
- (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 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: GENERAL CODE
ADDRESS: 7 Hinchey Road, Rochester, NY 14624
CONTRACT AMOUNT: Not to exceed \$35,225

SERVICE: Codification Services in connection with the Franklin Township Code Book

Resolution #05-028 Authorize Letter of Credit Release – Radi – Real Estate Investors LLC – Docket No. PLN2002-0029 in the amount of \$647,086.60.

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

ITEM: PERFORMANCE BOND
 NAME OF APPLICANT: GLEN EYRE AT SOMERSET (PADDOCK ESTATES)
 ADDRESS OF APPLICANT: 1065 Route 22 West
 Bridgewater NJ 08807
 NUMBER: 0358577
 INSURANCE CO./BANK: International Fidelity Insurance Company
 One Newark Center Newark NJ 07102
 IN THE AMOUNT OF: \$1,750.00
 FOR: Installation of seven (7) Monuments for Docket No. PLN2001-0023 to Block 423.01/Lot 17.01 – Wilson Road – Project Completed; and

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

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

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

Resolution #05-029 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
20.03/9.03 C2403	SANGISETTY, RAMESH 34 Rose Bay Court Monmouth Junction NJ 08852	05/1 Bad Meter Reading	420.42
20.10/11.02 C2404	PEAN, GUY & RACHEL 10 Hudson Court Franklin Park NJ 08823	4/04 Double Payment Refinance	1,179.55
20.11/12.13	GARDNER, JAMES & WENDY 12 Timberhill Drive Franklin Park NJ 08823	4/04 Property Overbilled	1,560.33
20.14/36	CITI MORTGAGE PO Box 1800 Farmington Hills MI 48333-1800	4/04 Homeowner and Mortgage Company Paid	8,693.35

85/56.03C0160	PAPANIER, ALLEN 50 Rector Street Staten Island NY 10310-1224	04/4 NJ Saver	800.00
194/62	MAGEE, ROBERT & BABIATZ, LAURA 142 Harrison Street Somerset NJ 08873	2/04 Replaced Water Meter Overbilled	644.09
270/28	BETHUNE, CURTIS & EDNA 152 Franklin Boulevard Somerset NJ 08873	4/04 '3/04 2/04 '1/04 Tax Exempt	1,348.35 1,348.35 1,239.18 969.77
423.01/17.09	COUNTRYWIDE TAX SERVICE PO Box 10211 Van Nuys CA 91499	4/04	8,311.88
507.17/24	TARRIFF, HAROLD & FRANCINE 506 Crossfields Lane Somerset NJ 08873	4/04 Homeowner and Mortgage Company Paid	761.34
517.01/8.08	HOLIDAY FENOGLIO FOWLER L.P. 900 West Trade Street, Suite 650 Charlotte NC 28255	4/04 Paid Twice	18,534.96

Resolution #05-030 Award Interlocal Services Agreement with North Brunswick for Emergency and Supervisory Animal Control Services.

BE IT AND IT IS HEREBY RESOLVED that the Mayor and Township Clerk are hereby authorized to execute on behalf of the Township Council interlocal service agreements with the North Brunswick Township as permitted by NJSA 40:8A-1 et. seq. for Local Animal Control Services for the period January 1, 2005 to December 31, 2005.

Resolution #05-031 Authorize CY2005 Municipal Recycling Agreement with Somerset County at a rate of \$23.85 per household per year.

WHEREAS, the County of Somerset provides recycling services to the Township of Franklin and has submitted a renewal agreement for the period January 1, 2005 to December 31, 2005 with Somerset County Recycling located at 40 Polhemus Lane, Bridgewater NJ 08807;

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED that the Township Council of the Township of Franklin, County of Somerset and State of New Jersey does hereby authorize the Mayor and Township Clerk to execute on behalf of the Township Agreement with the County of Somerset providing for Recycling Services for 2005 at a rate of \$23.85 per household per year

Resolution #05-032 Appoint Donna Vieiro as Public Agency Compliance Officer- Affirmative Action for a one-year term ending December 31, 2005.

WHEREAS, N.J.A.C. 17:27-1.1 provides that no public work contracts can be awarded nor any monies paid until the prospective contractor has agreed to contract performance which complies with an approved affirmative action program; and

WHEREAS, N.J.A.C. 17:27-3.5 provides that each public agency shall annually designate an officer or employee to serve as its public agency compliance officer;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset, State of New Jersey that Donna Vieiro, Assistant Township Manager be appointed as the Public Agency Compliance Officer for a one-year term ending December 31, 2005.

Resolution #05-033 Appoint Schoor DePalma and CME Associates as Planning/Engineering/Inspection Consultants for a one-year term ending December 31, 2005.

BE IT AND IT IS HEREBY RESOLVED by the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey that the following professional firms be and they are hereby appointed to provide professional services for Planning Review, Engineering Review and Inspection Services in accordance with Chapter 112, Section 112-29, Escrow deposits of the Development Ordinance for the period January 1, 2005 to December 31, 2005:

**SCHOOR DEPALMA
200 State Highway Nine
PO Box 900
Manalapan NJ 07726-0900**

**CME ASSOCIATES
3141 Bordentown Avenue
Parlin NJ 08859-1162**

Resolution #05-034 Award Snowplowing Contract to Outdoor Expressions Landscape & Design Inc. for two (2) trucks at \$110.00 per hour in an amount not to exceed \$10,000.00.

WHEREAS the Township advertised for snowplowing services on two separate occasions; and

WHEREAS, the first bidder withdrew his bid because of new state regulations on insurance and the second bidder was rejected because the contractor did not have the minimum-sized truck required in the specifications; and

WHEREAS, according to NJSA 40A:11-5(3), the Township can negotiate a contract after two (2) failed attempts at sealed bids; and

WHEREAS, requests for quotes were sent and four (4) quotes were received back to the Township; and

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

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

OUTDOOR EXPRESSIONS LANDSCAPE & DESIGN INC.

22 Fordham Road

Somerset, NJ 08873

Two trucks @ \$110.00 per hour

Total amount not to exceed \$10,000.00

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 company.

Resolution #05-035 Authorize Release Constable Escrow Bond in the amount of \$1000 – Murray Rothblatt.

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

ITEM:	ESCROW
NAME:	MURRAY ROTHBLATT
ADDRESS OF APPLICANT:	26 Heinrich Road Somerset, NJ 08873

IN THE AMOUNT OF: \$1,000.00

FOR: In connection with Constable/Wildlife Services; and

WHEREAS, the aforesaid has requested release of the aforesaid Escrow; and

WHEREAS, the Township Clerk, recommends release of the aforesaid Escrow since the Township will no longer have a need for Constables;

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 Escrow be released to the above named.

Resolution #05-036 Award Professional Services Agreement for Bond Counsel to Wilentz, Goldman & Spitzer, PA for the period of January 1, 2005 through December 31, 2005.

WHEREAS, there exists a need for specialized services in connection with the authorization and the issuance of bonds and notes of the Township of Franklin, in the County of Somerset and State of New Jersey (the "Township"), including the review of the proceedings of the Township in connection with such authorization and issuance and the rendering of approving legal opinions acceptable to the financial community; and

WHEREAS, such special legal services can be provided only by a recognized Bond Counsel firm, and the law firm of Wilentz, Goldman & Spitzer, P.A., Woodbridge, New Jersey is so recognized by the financial community; and

WHEREAS, the Chief Financial Officer has certified hereon that funds are available and this certification has been reviewed by the Township Attorney and he is satisfied that said certification is in proper form; and

WHEREAS, in connection with the adoption of a resolution authorizing the appointment of Bond Counsel without competitive bids, the Local Public Contract Law, NJSA 40A:11-1, et seq., requires that a notice with respect to contract for "Professional Services" awarded 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 law firm of Wilentz, Goldman & Spitzer, P.A., 90 Woodbridge Center Drive, Suite 900, Woodbridge, New Jersey, be and is hereby appointed as Bond Counsel to the Township to provide the specialized legal services necessary in connection with the authorization and the issuance of bonds and notes by the Township in accordance with the terms and provisions of the Bond Counsel Services Agreement dated as of January 1, 2005 (the "Contract"), the form of which has been submitted to this meeting of the Township Council.
- (2) This Contract is awarded without competitive bidding as a "PROFESSIONAL SERVICE" under the provisions of the Local Public Contracts Law because the services to be performed are to be performed by a recognized professional licensed and regulated by law.
- (3) The Contract, in the form submitted to this meeting and made a part of this resolution as though set forth in full herein, is hereby approved. The Mayor and the Township Clerk are hereby authorized and directed on behalf of the Township to execute and attest the Contract and to affix the seal of the Township thereto and to deliver it to Wilentz, Goldman & Spitzer, P.A., and all proper officer and officials of the Township are hereby authorized and directed to carry out or cause to be carried out all obligations of the Township under the Contract and to take all action contemplated to be taken by the Township pursuant to the terms of the Contract.

- (4) A copy of this resolution, as well as the Contract, shall be placed on file with the Township Clerk.
- (5) In accordance with the Local Public Contract Law, the Township Clerk shall cause a notice of said Professional appointment in the form attached hereto to be published in an official newspaper of the Township within ten (10) days from the adoption thereof.

VENDOR NAME: LAW FIRM OF WILENTZ, GOLDMAN & SPITZER, P.A.

**ADDRESS: 90 Woodbridge Center Drive
Woodbridge NJ 07095**

CONTRACT AMOUNT: Fee Schedule as set forth in the agreement on file with the Township Clerk and available for public inspection for Bond Sales, Ordinance Preparation and Bond Anticipation Notes Sales, \$180.00 per hour/not to exceed \$30,000.00.

SERVICE: Bond Counsel Services for the Township of Franklin, in the County of Somerset for the period January 1, 2005 to December 31, 2005.

Resolution #05-037 Award New Plenary Retail Consumption License to Sashshel Corporation in the amount of \$271,000.00.

WHEREAS, as a result of the certified Federal Census figure for 2000 Census, the population of Franklin is 50,903, there exists in the Township of Franklin the authority to issue two (2) Plenary Retail Consumption License and one (1) Plenary Retail Distribution License for the sale of alcoholic beverages; and

WHEREAS, at the November 9, 2004 Franklin Township Council adopted Resolution No. 04-495, authorizing the sale of one (1) plenary retail consumption license and one (1) plenary retail distribution license, each with a minimum bid of \$250,000;

WHEREAS, sealed bids and other required documentation was delivered to the Office of the Municipal Clerk at or before 12 Noon on Monday, December 27, 2004; and

WHEREAS, the Township Clerk delivered a public announcement of all presumptively qualified bidders on Tuesday, January 4, 2005 at 12:00 Noon as fixed as the date, time and location when sealed bids would be opened; and

WHEREAS, one bid was received for one (1) plenary consumption license from Sashshel Corporation, 6 Lenape Drive, Somerset, NJ 08873 in the amount of \$271,000 and the applicant meets all special conditions and requirements contained in the bid notice and Chapter 75, NJSA 13:1-2 et. seq. and NJAC 13:2-1.1 et. seq.;

WHEREAS, the submitted application form is complete in all respects, the ten percent (10%) bid deposit of \$27,100 has been paid; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business;

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Franklin, County of Somerset and State of New Jersey does hereby approve effective **January 11, 2005** the award of the aforesaid Plenary Retail Consumption License to Sashshel Corporation in the

amount of \$271,00 and the conditions of sale will be complied within six (6) months of said award of license.

Resolution #05-038 Award New Plenary Retail Distribution License to Peter Camamis in the amount of \$275,100.00.

WHEREAS, as a result of the certified Federal Census figure for 2000 Census, the population of Franklin is 50,903, there exists in the Township of Franklin the authority to issue two (2) Plenary Retail Consumption License and one (1) Plenary Retail Distribution License for the sale of alcoholic beverages; and

WHEREAS, at the November 9, 2004 Franklin Township Council adopted Resolution No. 04-495, authorizing the sale of one (1) plenary retail consumption license and one (1) plenary retail distribution license, each with a minimum bid of \$250,000;

WHEREAS, sealed bids and other required documentation was delivered to the Office of the Municipal Clerk at or before 12 Noon on Monday, December 27, 2004; and

WHEREAS, the Township Clerk delivered a public announcement of all presumptively qualified bidders on Tuesday, January 4, 2005 at 12:00 Noon as fixed as the date, time and location when sealed bids would be opened; and

WHEREAS, two bids were received for one (1) plenary distribution consumption license as follows:

Peter Camamis
16 Overhill Drive
North Brunswick, NJ 08902
Amount of Bid: \$275,100

Donald Sweeney
19 Colonial Drive
Shrewsbury, NJ 07702
Amount of Bid: \$260,100

WHEREAS, the bid from Peter Camamis meets all special conditions and requirements contained in the bid notice and Chapter 75, NJSJA 13:1-2 et. seq. and NJAC 13:2-1.1 et. seq.;

WHEREAS, the submitted application form is complete in all respects, the ten percent (10%) bid deposit of \$27,510 has been paid; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business;

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Franklin, County of Somerset and State of New Jersey does hereby approve effective **January 11, 2005** the award of the aforesaid Plenary Retail Distribution License to Peter Camamis in the amount of \$275,100 and the conditions of sale will be complied within six (6) months of said award of license.

Resolution #05-039 Appoint Hearing Officer.

WHEREAS, Code Chapter 47, Police Department, Section 47-15, Hearing Officer provides that the Township Council shall, by resolution, appoint a hearing officer(s) to hear complaints; and

WHEREAS, the hearing officer shall have law enforcement experience or shall be an attorney at law admitted to practice in the State of New Jersey;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset, State of New Jersey that it hereby appoints Robert G. Wilson, Esq., of Trombadore Raymond R & David W, OC at an hourly rate of \$125 as the Hearing Officer.

Resolution #05-040 Authorize Issuance of Raffles 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>
St. Matthias School 170 JFK Boulevard, Somerset On-Premise Raffle – RL#1468 Drawing: 170 JFK Boulevard	March 12, 2005 10:00 am – 2:00 pm
Temple Beth El of Somerset 1489 Hamilton Street, Somerset Off-Premise 50/50 – RL#1469 Drawing: Temple Beth El of Somerset	May 19, 2005 9:00 pm
Immaculate High School Spartan Club 240 Mountain Avenue, Somerville, NJ Off-Premise 50/50 – RL#1470 Drawing: Doubletree Hotel, Somerset	April 23, 2005 10:30 am – 4:00 pm

Resolution #05-041 Adopt Channel 25 Policies and Procedures.

BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the following shall represent Township Policy on Channel 25 Policies and Guidelines:

TOWNSHIP OF FRANKLIN

PROGRAMMING POLICIES AND GUIDELINES GOVERNMENTAL ACCESS CHANNEL (FT-TV25)

I. Introduction

The Township of Franklin in Somerset County, New Jersey (herein referred to as Township) Governmental Access Channel, (herein referred to as “FT-TV25), is a Governmental Access Channel as provided for under the FCC Cable Communications Act of 1984, and the Township’s cable franchise agreement with Patriot Media. FT-TV25 functions as a division under the government of the Township of Franklin.

FT-TV25 operates on Channel 25 of the Patriot Media Cable System, and is owned and operated by the Township. The Township Manager is responsible for the day-to-day operation and programming activities of the station.

The purpose of this document is to define the function of FT-TV25, and provide guidelines and policy to manage its operations effectively and efficiently. All programming decisions are to be made in accordance with these policies and guidelines.

II. Mission Statement

The mission of FT-TV25 is to provide programming that will inform, educate, enlighten and encourage participation in local government, its services, activities and decision making.

III. Objectives

- A. To serve as an on-going source of government information for the citizens of the Township.
- B. Increase citizens' awareness, understanding, and participation in areas of municipal, county and state government.
- C. To increase citizen access to local government meetings by providing live and/or taped, coverage of Township Council and other municipal public meetings.
- D. Provide on-going and updated information about government services and programs.
- E. To promote special events in the community sponsored and supported by the Township.
- F. To provide public service information relevant to Franklin Township residents from other local, county, state and federal governmental entities.
- G. To provide information, in case of an emergency affecting the Township.

IV. Programming Policy

- A. All programming broadcast on FT-TV25 must support the channel's mission and objectives. All FT-TV25 programming shall be government related, and/or of local interest that provides community benefit to the residents of the Township. Coverage of public meetings of the Township Council shall be the programming priority of the station.
- B. FT-TV25 is a Government Access Channel created for the dissemination of government-related information to the public. It is not a public access or education channel, and is therefore, not intended for general public use.
- C. FT-TV25 program policy is to provide direct information to the citizens of Franklin Township concerning the operations, services, functions, activities, programs, issues, and deliberations of its municipal government.
- D. FT-TV25 is not intended to be used as a mechanism for building support for a particular person, party, program, or issue, nor is it a medium to be used by any elected or appointed federal, state or local officials for political or personal use.
- E. FT-TV25 programming will primarily consist of public meetings, informational programs and Municipal Bulletin Board.
- F. No commercial programming will be considered for broadcast.
- G. Promotional announcements for events, charities or outside organizations in which the Township has no official sponsorship shall not be permitted.
- H. The Township Manager or his designee is responsible for all programming decisions in accordance with these policies and mission statement.

- I. The Township Manager, or his designee is responsible for day-to-day decisions in accordance with these policies and mission statement.
- J. All programming produced by FT-TV25 shall be deemed the property of the Township.
- K. FT-TV25, the Township of Franklin and its administration, officers, employees, volunteers and agents are not responsible for the accuracy of any information broadcast.
- L. The Bulletin Board will be used for the posting of messages related to activities, programs, notices of an emergency nature, government meeting times and places, township job openings, as well as any other information relative to Franklin Township government functions, services, and events. The Bulletin Board will also be used to display the FT-TV25 programming schedule.
 - 1. FT-TV25 reserves the right to reject any Bulletin Board messages that fail to conform to the Bulletin Board format and station policies and guidelines.
 - 2. Franklin Township shall not be held responsible for the accuracy of any information displayed on the FT-TV25 Municipal Bulletin Board that was submitted by outside sources.

VII. Programming Restrictions:

FT-TV25 shall not be used for the presentation of:

- A. Commercial advertising, or other information designed to promote or endorse the sale of any products or services offered. This does not prevent FT-TV25 from seeking sponsors for grants to offset the production costs associated with its programming. Additionally, this does not prevent the station from acknowledging sponsorship or grants supporting a program or event. Contributors or underwriters may be acknowledged briefly in the opening and/or closing credits of the program.
- B. Programs or bulletin board content that solicits money or other items of value for any private, non-governmental or political purpose.
- C. Any material which would violate any federal, state or local law, including FCC regulations.
- D. Any programming material that is obscene, indecent, profane, or an invasion of privacy.
- E. Subject matter which is defamatory in nature, other than with matters which may occur during “gavel-to-gavel” coverage of public meetings.
- F. Promotional announcements for events, charities, or outside organizations in which the government has no official interest or sponsorship.
- G. Programming which promotes, advocates and endorses a particular religious belief.
- H. Political advertising or other material on behalf of, or opposing a registered candidate for consideration by the Township Council or any other regulatory body.
 - 1. NOTE: The exclusion does not apply to persons who receive airtime as part of public meeting coverage, nor does it apply to FT-TV25 coverage of elected officials acting in their official capacity and as part of their regular duties.
 - 2. NOTE: This exclusion shall also preclude the presentation of programming, which provides non-partisan background information concerning any ballot measure, or registered candidate.

- I. Any material that is copyrighted or subject to ownership or royalty rights without the necessary releases, licenses or other [use] permissions from the owner of such [said] rights. Outside agencies submitting programming are responsible for obtaining all copyright clearances and shall hold the Township, its officers and agents harmless in any case of copyright infringement.

IX. Use of FT-TV25 Equipment and Facilities

- A. Use of FT-TV25 equipment and facilities is restricted to government-access-related activities, and only to trained personnel under the direction of the Township Manager or his designee.
- B. The Township Manager will maintain inventory records of all equipment owned and operated by the FT-TV25, as well as any related materials.
- C. Requests for taping other events which meet the FT-TV25 Policies and Guidelines should be sent to the Township Manager at least three (3) months in advance of the event. Anything submitted less than three (3) months prior to the event will not be given priority or consideration, depending on the professional judgment of the Township Manager.

X. Ownership and Retention of Tapes

- A. All video and audio contained in tapes produced by FT-TV25 are protected by United States copyright laws.
- B. Video tapes of government meetings are intended for broadcasting purposes only and shall not be considered the official record of the meetings.
 - 1. Provision of a copy of the meeting tape does not imply that reliance may be placed on such copy as a complete or error-free record of the meeting.

RESOLUTIONS, CONSIDERED SEPARATELY

Resolution #05-017 Authorize Discharge of Affordable Housing Mortgage – Gomez – 237 Columbus Drive, Franklin Park

Upon motion by Mr. Chivukula, seconded by Deputy Mayor McKenzie, the following resolution was adopted as follows upon call of the roll:

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

BE IT AND IT IS HEREBY RESOLVED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the Mayor and Township Clerk be and they are hereby authorized to execute a Discharge of Affordable Housing Management Services Mortgage for the premises known as 237 Columbus Drive, Franklin Park, Block 20.10, Lot 11.02 C1903 on the tax map of the Township of Franklin, subject to the execution by the purchaser of a repayment mortgage in accordance with New Jersey Council on Affordable Housing regulations pursuant to NJAC 5:93-1 et seq.

Resolution #05-023 Award Professional Services Agreement – Schoor DePalma – Design a site plan for the Memorial Arboretum (Toto/Gierlich tracts) in an amount not to exceed \$16,455.00.

Mr. Chivukula moved to table the aforesaid resolution. Said motion was seconded by Deputy Mayor McKenzie and carried unanimously upon call of the roll.

APPOINTMENTS

Upon motion by Deputy Mayor McKenzie, the following appointments were made by consent agenda, seconded by Mr. Chivukula and carried as follows upon call of the roll:

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

Kenneth Langdon as Alternate #2 Member of the Planning Board for a two-year term ending December 31, 2006.

Hinton E. Clark as Regular Landlord Member of the Rent Leveling Board, each for a three-year term ending December 31, 2007.

Eugene Armstead and Shampa Patel as Alternate Members of the Rent Leveling Board, each for a one-year term ending December 31, 2005.

Cynthia Dawn Voorhees and Siddharta Prasad as Regular Members of the Health Advisory Board, each for a three-year term ending December 31, 2007.

JoAnn Piagentini and Edward Wyckoff as Regular Members (D) of the Municipal Ethics Board, each for a five-year term ending December 31, 2009.

Geraldine Fudge; Melanie Sullivan; Eileen Ignatoff; Efren Dato and Paul Curry Jr. as Regular Members of the Human Relations Commission, each for a three-year term ending December 31, 2007.

Justin Auciello as Regular Member of the Historic Preservation Commission for a two-year term ending December 31, 2006.

The following on the Business Industry Advisory Committee, each for a one-year term ending December 31, 2005:

<i>Shirley Eberle</i>	Township Council
<i>Brian D, Levine</i>	Township Council
<i>Ellen E. Ritchie</i>	Planning Board Member
<i>Alfred Ceasar</i>	Board of Adjustment Member

Robert Puskas; Ryck Suydam; Berit Marshall; Frank Hasner and Lara Gund as Regular Members of the Agricultural Advisory Committee, each for a one-year term ending December 31, 2005.

Joseph Danile as Citizen Member of the Open Space Advisory Committee for an unexpired three-year term ending December 31, 2006.

Randy Jones and Robert Thomas as Citizen Members of the Open Space Advisory Committee, each for a three-year term ending December 31, 2007.

Teresa Danile; Brian D. Levine and Brian G. Regan as Council Members to the Financial Oversight Subcommittee, each for a one-year term ending December 31, 2005.

Brian G. Regan as the Council Member to the Somerset County Affordable Housing Council Representative Board of Directors for a one-year term ending December 31, 2005.

Willis Sumter and Brian D. Levine as the Council Members to the Somerset Community Action Program/Board of Trustees, each for a one-year term ending December 31, 2005.

Ellen E. Ritchie and Wandra Ashley-Williams as the Council Members to the Community Foundation, Inc., each for a two-year term ending December 31, 2006.

Teresa Danile; Shirley Eberle; Brian D. Levine and Ellen E. Ritchie as the Council Members and *Sergeant Robert Vornlocker* as the Staff Contact to the Traffic Management Subcommittee, each for a one-year term ending December 31, 2005.

Willis Sumter and Brian D. Levine as the Council Members to the Hamilton Street Business & Community Corporation, each for a one-year term ending December 31, 2005.

Ellen E. Ritchie as the Council Member to the Special Improvement District Advisory Committee for a one-year term ending December 31, 2005.

Suzanne Hirst and Carolyn Hingher as the Franklin Township Members of the Kingston Village Advisory Committee, each for an unexpired two-year term ending December 31, 2005.

The following members to the Stormwater Management Committee, each for a one-year term ending December 31, 2005:

<i>Kenneth W. Daly</i>	Township Manager
<i>Thomas Zilinek</i>	Township Engineer
<i>Fred A. McKenzie</i>	Council Member
<i>Theodore Chase</i>	Environmental Commission Member
<i>Frank Hasner</i>	Planning Board Member
<i>Joseph Punia</i>	Business & Industry Adv. Comm. Member
<i>Walter Galanowsky</i>	Director of Health
<i>Joyce Miller</i>	Purchasing Administrator

Thomas Zilinek and Victor Stevens as the Franklin Township Representatives of the Somerset County Solid Waste Advisory Council, each for a one-year term ending December 31, 2005.

Idaherma Williams as the Franklin Township Representative to the Somerset County Cultural & Heritage Advisory Committee for a one-year term ending December 31, 2005.

The following members to the Route 287 Task Force, each for a one-year term ending December 31, 2005:

<i>Teresa Danile</i>	Council Member
<i>Upendra Chivukula</i>	Council Member
<i>Brian D. Levine</i>	Council Member
<i>Sgt. Robert Vornlocker</i>	FTPD
<i>Khaliah Stewart</i>	Planner
<i>Thomas Zilinek</i>	Township Engineer
<i>Gary Howarth</i>	Emergency Management
<i>Theodore Chase</i>	Planning Board Member
<i>Pete Mattos</i>	Member
<i>Robert Thomas</i>	Member
<i>Steve Goldmacher</i>	Member

The following members to the Municipal Cross-Acceptance Committee, each for a one-year term ending December 31, 2005:

<i>Joseph Danielson</i>	Planning Board Member
<i>Theodore Chase</i>	Planning Board Member
<i>Khaliah Stewart</i>	Planner

OPEN SPACE ADVISORY COMMITTEE BOARD APPOINTMENTS

Deputy Mayor McKenzie moved the following appointments to the Open Space Advisory Committee, each for a term concurrent with terms on the following boards:

<i>Joanne Kaiser</i>	Historic Preservation Commission Member
<i>John Clyde</i>	Environmental Commission Member
<i>John Moon</i>	Recreation Council Member
<i>Robert Puskas</i>	Agricultural Advisory Committee Member

Said motion was seconded by Ms. Ritchie as carried as follows upon call of the roll:

<u>Joanne Kaiser</u>	<u>John Clyde</u>	<u>John Moon</u>	<u>Robert Puskas</u>
Ashley-Williams	Ashley-Williams	Ashley-Williams	Ashley-Williams
Chivukula	Chivukula	Chivukula	Chivukula
Eberle	Eberle	Eberle	Eberle
Levine	Levine	Levine	Levine
McKenzie	McKenzie	McKenzie	McKenzie
Regan	Ritchie	Regan	Regan
Ritchie	Sumter	Ritchie	Ritchie
Sumter		Sumter	Sumter

EXECUTIVE SESSION

The following resolution was moved by Mr. Chivukula, seconded by Mr. Regan and carried as follows upon call of the roll:

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

WHEREAS, Section 8 of the Open Public Meetings Act, (NJSA 10:4-12 (b) (1-9), Chapter 231, P.L. 1975, permits the exclusion of the Public from a meeting under certain circumstances; and

WHEREAS, the Township Council is of the opinion that such circumstances do exist;

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

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matters:
2. The general nature of the subject matter to be discussed is as follows: *Potential Litigation – Contracts.*
3. The Township Council may take official action on those items discussed in Executive Session upon completion of the Executive Session.
4. The minutes of the discussion shall be made available to the public as soon as the matters under discussion are no longer of a confidential or sensitive nature.
5. This resolution shall take effect immediately.

The meeting adjourned to Executive Session at 10:35 p.m. The meeting resumed at 11:10 p.m.

ADJOURNMENT

Upon motion by Deputy Mayor McKenzie, seconded by Ms. Ashley-Williams, the meeting adjourned at 11:10 p.m. Said motion carried unanimously upon call of the roll.

Brian D. Levine, Mayor

Ann Marie McCarthy, Township Clerk

Approved:

Date: