

WORK SESSION/REGULAR MEETING OF THE TOWNSHIP COUNCIL
TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, NEW JERSEY
JAUARY 28, 2003

The Work Session/Regular Meeting of the Township Council of the Township of Franklin, County of Somerset, New Jersey, held at 475 DeMott Lane, Somerset, was called to order by the Mayor at 7:08 p.m.

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

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

The invocation was given by Ms. Barrier.

The Township Clerk called the roll.

Present: Mayor Sumter, Deputy Mayor Grippo, Ms. Barrier, Ms. Eberle, Mr. Levine, Mr. McKenzie, Mr. Mettler. Mr. Chivukula and Mr. Mazzola were absent at roll call but arrived shortly thereafter.

Absent: No One

Also Present: Louis N. Rainone, Esq., Township Clerk, Kenneth W. Daly, Township Manager, Jean C. Pellicane, RMC, Township Clerk

5. REVIEW AGENDA FOR REGULAR MEETING:

11. ORDINANCE INTRODUCTION – AMEND CODE – CHAPTER 226, VEHICLES & TAFFIC – SECTION 226-30, ON-STREET HANDICAPPED PARK SPACE – RESCIND ON-STREET HANDICAPPED PARKING SPACE ON KEE AVENUE FOR 601 HAMILTON STREET

In response to a question from Ms. Barrier, Township Manager Daly advised that the residence for which this on-street handicapped parking space was assigned has notified the FTPD that the handicapped resident has moved and the parking space is no longer needed.

12V PROFESSIONAL SERVICE AGREEMENT – DR. ROHINI JOBANPUTRA – CHILD HEALTH, FAMILY PLANNING AND FLU CLINICS – 1/01/03 TO 6/30/03 - \$150.00 PER CLINIC/NOT TO EXCEED \$7,425.00

Ms. Barrier questioned what health services the clinics provide. Township Manager Daly advised that a memo from Director of Health Walter Galanowsky was in the Council packet advising that the services are the same as provided in 2002.

12Y PROFESSIONAL SERVICE AGREEMENT – DMR – ARCHITECT – ANIMAL SHELTER - \$49,300.00 - AMEND

Township Clerk Pellicane noted that at the January 14th meeting, Council approved the subject professional service agreement for architectural services for the expansion of the animal shelter in the amount of \$44,800.00 plus \$4,500.00 for reimbursable expenses for a total of \$49,300.00 based upon a November 28, 2001 proposal. It has been determined that the proposal was revised in 2002 and is now in the amount of \$49,300.00 without reimbursable expenses. Capital Projects Engineer Pettit has requested that the resolution be amended accordingly. Council is requested to add this resolution to the Consent Agenda for this evening to avoid any delays. Council concurred.

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13. **NOMINATIONS FOR ONE (1) REGULAR MEMBER OF THE ADVISORY BOARD OF HEALTH TO FILL THE UNEXPIRED TERM OF JOHN CARLANO EXPIRING 12/31/03**
14. **NOMINATIONS FOR ONE (1) REGULAR MEMBER OF THE ADVISORY BOARD OF HEALTH – VACANT POSITION – EXPIRING 12/31/04**
15. **NOMINATIONS FOR ONE (1) MEMBER OF THE HUMAN RELATIONS COMMISSION – THREE (3) YEAR TERM – EXPIRING 12/31/05**
16. **NOMINATIONS FOR TWO (2) CITIZEN MEMBERS OF THE OPEN SPACE ADVISORY COMMITTEE – THREE (3) YEAR TERMS – EXPIRING 12/31/05**
17. **ONE (1) REGULAR MEMBER OF THE OPEN SPACE ADVISORY COMMITTEE TO FILL THE UNEXPIRED TERM OF JOHN LOOS – EXPIRING 12/31/03**

The nominations were deferred to February 11, 2003.

Mr. Chivukula arrived at this time.

6. COUNCIL DISCUSSION ITEMS:

A. DRAFT REPORT - SKATE PARK

Linda Smith, 139 Wilson Road/Chair of Recreation Council, noted that the Recreation Council has prepared and previously distributed a Skate Park Business Plan and a brief report distributed this evening as follows:

SKATE PARK REPORT

1. **The Problem**
 - Kids are skating in unsafe locations – on the street, at shopping centers and at the municipal complex.
 - This can result in injury from collisions with motor vehicles or pedestrians.
 - It can cause damage to private and public property.
 - Lacking activities for young people
 - No theater
 - No bowling alley
 - No roller rink
 - No tennis or racquetball clubs
 - No YMCA
 - No ice rink
 - Traveling to locations out of town costs parents time and money.
2. **Solution**
 - Give kids a safe place to skate in their own town.
3. **Location**
 - Middlebush Park
4. **Insurance**
 - Packet contains the 7 step plan of the Municipal Excess Liability Joint Insurance Fund which does not present an obstacle to this project
5. **Supervision**
 - While the MELJIF does not require supervision by seasonal employees, it is suggested in the early stages of operation to ensure that skaters are following all safety regulations.

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If supervised, the facility should be open seven (7) days a week as follows:

Season	Day	Hours
Summer	Monday – Sunday	9:00 AM – 9:00 PM
Fall, Winter & Spring	Monday – Friday	3:00 PM – 6:00 PM
	Saturday – Sunday	10:00 AM – 6:00 PM
	Holidays	10:00 AM – 6:00 PM

7. Operating Costs

Operating Category	Cost
Maintenance – Replacement of damaged skatelite surface. Annual cost for the first five years.	\$2,500
Supervision In estimating the potential cost of supervision it should be calculated based on 2 staff each paid at approximately \$10/hour	\$18,000-\$35,000

8. Construction Costs

- \$200,000 - \$250,000

9. Fundraising & Funding Sources

REVENUE SUMMARY APPROXIMATE	
Funding Sources	Revenue
Funds from Private Sources	\$50,000
Grants	\$25,000
Open Space	\$25,000
Capital Budget	\$150,000
Total	\$250,000

It is the request of the Recreation Council that the Township Council consider the skate park just another recreational activity and provide funding the same as for any other playground in town rather than requiring the potential users to fundraise, which is not required for other recreational uses.

Deputy Mayor Grippo noted:

1. The group of skate park advocates is asking for approval to build a skateboard park at the site of Middlebush Park and that request should be granted.
2. The Township Manager should be requested to place \$150,000 in the FY2004 capital budget for development of this facility.
3. The advocates group should be allowed to start raising money, and a bank account for this purpose with a Township custodian should be established.
4. The Township should consider and establish a user fee for the skate park, possibly with helmet decals to identify paid users, so that the cost of maintenance and supervision can be paid for by user fees.

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There is need for a safe place for skate boarders, and there is need to protect users of commercial centers from the danger created by skateboarders using these facilities.

Ms. Barrier noted that:

1. She is not opposed to a skate park as a means to provide a safer place to practice without infringing on private property but requested clarification that the Township designated land within Middlebush Park for a skate park. Township Manager Daly confirmed that land was so designated with Council approval of the conceptual plan.
2. Council did not appropriate funding for the skate park based on representations at that time that those interested in its installation would fundraise but tonight Council is being asked to treat this like any other park.
3. Questioned what project Deputy Mayor Grippo would cut from the FY2004 Capital Budget to provide the \$150,000 he proposes for the skate park, noting his desire to provide additional funding for the library also.
4. Questioned who would be named custodian of the fundraising proceeds.

Deputy Mayor Grippo responded that:

1. The Recreation Department should serve as custodian of the funds. Township Manager Daly noted that the Finance Department would be the appropriate custodian.
2. The funding should be put in and then the total impact can be considered. Council should make it a priority to find the money. Information determined at the Retreat was that one of the drainage projects will not be as costly as originally thought.
3. Annual funding in the amount of \$200,000 is provided for the improvement of all playgrounds. When the cycle of required playground improvements end, this amount can be dedicated to the skate park. Other methods of creatively funding this improvement should be sought.

Mr. Chivukula questioned if a design and cost estimate have been prepared. Township Manager Daly advised that these are contained in the Business Report submitted by the Recreation Council. Director of Parks & Recreation Alice Osipowitz added that the companies who sell the skate park equipment do the design work and that the designs contained in the Business Report can be refined and reduced to accommodate funding restraints.

Mr. Mazzola arrived at this time.

Deputy Mayor Grippo questioned if a \$150,000 appropriation, fundraising efforts and in-kind donations would allow us to provide a usable facility. Ms. Osipowitz responded that the answer depends on the scope of the fundraising and in-kind donations.

Mr. Chivukula noted that the Business Report indicates a cost of between \$200,000 and \$250,000 and questioned if this would include water fountains, access, parking and other amenities. Ms. Osipowitz responded that these amenities should be installed as part of the Middlebush Park development which will precede development of the skate park. Paving and fencing as well as the ramps will need to be installed as part of the skate park itself.

Deputy Mayor Grippo questioned the time frame for having the Middlebush Park infrastructure in place. Township Manager Daly responded that Schoor DePalma is finishing up the design, and we intend to go out to bid this summer so construction can begin this season to allow soccer fields to set over the winter.

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In response to a question from Mr. Levine, Township Manager Daly noted that if \$150,000 is provided, that amount, along with what is fundraised, will be used to provide as much of a facility as possible and expand it in the future when more funding becomes available.

In response to questions from Deputy Mayor Grippo and Mr. Levine, Ms. Smith advised that:

1. Residents would be granted preferred admittance to the skate park.
2. User fees vary from municipality to municipality, usually \$15.00 for residents and \$30.00 for non-residents. Training camps conducted within the facility can be used to offset the maintenance costs.

Mr. Mettler noted that he recognized that not all of the money to be used for the facility would be fundraised and that a portion would be paid for by the Township. He approved of the placement of the skate park in the Middlebush Park and agrees with the proposed fundraising activities. He has concerns about user fees, however, that such may encourage skateboarders to continue using shopping centers, etc. instead of paying the fees. The need to provide staff for supervision, however, mandates the user fees. Mr. Mettler also noted the health benefits of skateboarding as a good exercise for weight control.

Deputy Mayor Grippo noted that funds can also be raised through advertising on the fencing and moved to direct the Township Manager to place \$150,000.00 in the FY2004 Capital Budget for the planning and construction of a skate park in Middlebush Park and to permit advocates to begin fundraising. Mr. Mazzola seconded the motion. The Township Clerk polled the Board, the vote being as follows:

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

Motion was carried.

B. APPLICATION TO PURCHASE TOWNSHIP OWNED LAND – 9 WALDORF STREET

C. APPLICATION TO PURCHASE TOWNSHIP OWNED LAND – 4 FULLER STREET

These items were deferred to the February 4th Work Session.

D. SOMERSET COUNTY CAPITAL IMPROVEMENT PROGRAM

Township Manager Daly advised Council of a November 20, 2002 memo from Township Engineer Joe Russo:

“I spoke with David Lorimer, Assistant County Engineer on November 1, 2002 relative to the Franklin Township projects within their Capital Improvement Program. The County will not have the revised six-year program available until after the start of the New Year. An exact date for distribution is unknown at this time.

There are no new Class A construction projects scheduled for 2003 in Franklin Township. However, there is a good possibility that the reconstruction of Cedar

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Grove Lane between Easton Avenue and New Brunswick Road will start since this is a carryover from 2002.

There are two Class B construction projects scheduled for 2003. South Middlebush Road is scheduled to be resurfaced for its entire length. Easton Avenue is scheduled for resurfacing between Worlds Fair Drive and the South Bound Brook border.

Dave indicated that there would be funding available to have the surveys and preliminary designs prepared in 2003 for traffic signals at the intersections of Cedar Grove Lane and Amwell Road, South Middlebush Road and Amwell Road, and South Middlebush Road and Blackwells Mills Road/Skillmans Lane. The section of Amwell Road between Cedar Grove Lane and South Middlebush Road is scheduled for reconstruction in 2004. Dave indicated that it is possible that this reconstruction and the two traffic signal projects on Amwell Road could become one large project depending on the developments of the intersection designs and how extensive the roadwork will be for the intersections.

Also, the County is scheduled to study the possibility of constructing a traffic signal at Cedar Grove Lane and Treptow Road in 2003.”

In response to questions from Council, Township Manager Daly advised that:

1. The County is proposing to resurface South Middlebush Road this construction season
2. The County is working on the improvement of the Route 287 Exit and the synchronization of the Easton Avenue/Worlds Fair Drive traffic signal concurrently with the three localized improvements requested of them by the Township Council.
3. The County is scheduling funding for surveys and preliminary design of the three traffic signals requested by the Council for 2003, but not for construction. The Council’s requests involve the widening of intersections and provision of turning lanes but no information on these improvements has been made available. Mr. Chivukula requested that a letter be sent to the County reminding them of these improvements.

E. STEWART AVENUE SPEED LIMIT

Council reviewed November 14, 2002 memo from Sgt. Robert Vornlocker, noting that the developer of the residential properties on Stewart Avenue put up 35 miles per hour speed signs without statutory authority. A request has been received to lower the speed limit to 25 mph. Sgt. Vornlocker notes that the road does not meet the statutory requirements for 25 miles per hour and neither engineering nor traffic surveys would justify that speed limit. Council is requested to advise if they wish to pursue the studies or rely upon Sgt. Vornlocker’s professional judgment that the currently approved statutory 35 mile per hour speed limit should be retained and enforcement increased. Council concurred with Sgt. Vornlocker’s assessment and authorized the 35 mile per hour speed limit with increased enforcement.

F. SOLICITATION OF PROPOSALS – SENIOR AFFORDABLE HOUSING STUDY

Council reviewed the Solicitation for Consultant for the Franklin Township Senior Affordable Housing Program as authorized by the non-binding referendum to provide 5 cents of the tax dollar for senior affordable housing. Council’s review and approval are sought of the statement of the program as recommended by the Senior Affordable Housing Committee, outline of scope of work and resulting product, the process by which the plan would be put together and brought to Council and how proposals would be scored.

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In response to questions from Mr. Mazzola, Township Manager Daly advised that the study will determine the eligibility requirements, actual income and resources of our seniors, and what is affordable for Franklin Township seniors.

Mr. Levine questioned if the program is clear that the housing would be self-sustaining. Township Manager Daly cited goal No. 11 in the Program:

“In order to keep rents affordable, it is expected that site and construction costs will be covered by other sources. Rents will pay for expenses of operating and maintaining the facility, providing the above named services, as well as the costs of heating and air conditioning each unit.”

MINUTES – WORK SESSION – 1/07/03; REGULAR MEETING – 1/14/03; EXECUTIVE SESSION – 1/07/03

Motion was made by Mr. Chivukula and seconded by Mr. Levine to approve the Minutes of the Work Session and Executive Session of January 7, 2003 and the Regular Meeting of January 14, 2003; motion was carried unanimously by those Councilmembers present at those meetings.

WARRANTS – JANUARY 28, 2003

1. Current	3,517,183.13
5. Water Operating	149,280.50
6. Water Capital	44,648.79
4. General Capital	99,537.43
15. General Trust	57,000.00
18. Self Insurance Trust	5,128.62
21. Recreation Trust	113.00
12. Open Space Trust	143.00
2. Grant	5,462.82
17. Workers’ Compensation	0
Unemployment Trust	0
Employee Payroll Deduction	0
3. Collector Trust	14,758.79
14. Dog Revenue	0
Community Foundation	0
22. Payroll	0
13. Redevelopment Agency	0
23 Agency Payroll	0
SUB-TOTAL	3,893,256.08
25. Escrow Account	57,016.80
19. Void Checks	0
20. Adjustments	0
GRAND TOTAL	<u>\$3,950,272.88</u>

Motion was made by Mr. Mazzola and seconded by Mr. Chivukula. Township Clerk Pellicane polled the Board, the vote being as follows:

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

Motion was carried.

9. PUBLIC DISCUSSION

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Motion was made by Mr. Chivukula and seconded by Ms. Barrier to open the meeting for public discussion; motion was carried unanimously.

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

Courtney Throckmorton, 591 Somerset Street, Somerset:

1. Noted that inquiries at the Redevelopment Agency meeting indicated that one of the redevelopment contracts issued by the Agency has not been signed by the redeveloper, resulting in loss of time and opportunities and rendering the project useless and stagnant.
2. Questioned the appointment of Deputy Mayor Grippo to a position that was deferred at the January 11th meeting. Mr. Throckmorton was advised that the appointment was as liaison to the Sewerage Authority and was deferred pending Council discussion of a request from the Authority for compensation of its members.
3. Expressed his displeasure that the NBR Zone Underlying Zone Ordinance as a disservice to the property owners in the zone and his opinion that the Redevelopment Plan itself has constitutional issues.

John Grosso, 61 Hollywood Avenue:

1. In response to comments from Mr. Mettler that payment of compensation to Sewerage Authority Commissioners could result in political patronage, noted that there is no such thing as “non-partisan”.
2. Reiterated his continued objection to the police department closing one lane of Easton Avenue to facilitate cars exiting Rutgers Preparatory School and questioned Mr. Levine’s actions to eliminate this practice.

Mr. Levine responded that efforts to have Rutgers Preparatory School provide a new driveway to eliminate this situation are underway. Township Manager Daly responded that the school has hired a consultant to study the access problem.

3. Noted that the Township removal of all the playground equipment from Dunham-Lebed Park will remain until next year, the baseball diamond is not finished, the high fence makes the park look like a prison, the grass is not cut regularly, the trees planted by the contractor are dead, and funding to provide buffering of homes to the rear of the park has been removed from the FY2003 budget.
4. Noted that the drainage problem in Easton Farms continues, with no word on when improvements will start.

Mr. Levine responded that the drainage project for Easton Farms was discussed by Council at their January 26th Retreat, including a suggestion that the project be delayed, to which he objected.

5. Noted that the study done to determine the feasibility of installing public water in the Easton Farms area was done but no action has been taken to begin this improvement.

Mr. Levine responded that this matter was also discussed at the January 26th Retreat but no decision was made because any extension of public water lines would require the Council to adopt a mandatory water tie-in ordinance which requires further study.

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6. Questioned the additional \$55,000 being expended to repair damage to township cars, questioned coverage of some of this cost by our insurance company, and if the damage is the result of careless driving. Township Manager Daly responded that much of the damage is caused by deer. The Township does collect for the damages through our JIF for expenses, but the Township must pay for the repairs and then be reimbursed by the insurer.
7. Noted the need for the Township Council to establish priorities for capital expenditures, having authorized the Township Manager to find \$150,000 for the skateboard park and authorized \$6.1 million for the library.
8. Noted that developers' agreements which have been negotiated do not benefit the taxpayers.

John McConville, 5 Stoneleigh Way:

1. Questioned if the Township is required to maintain an animal shelter. Township Manager Daly and Township Attorney Rainone responded that the Township is required to provide for animal control and facilities for stray animals. Efforts have been made to enter an interlocal agreement with neighboring municipalities or to hire a private contractor to provide these services. The efforts, however, have not been successful.
2. Objected to the funding of any capital projects until the final funding for the Library expansion and renovation is determined.
3. Urged the Council to have Council meetings televised as a public information tool. Deputy Mayor Grippo responded that he has just been appointed to serve as the first Council liaison to the Cable Television Advisory Committee. Discussions with RCN have begun and will continue for better use of our public access Channel 14 in conjunction with the Board of Education.

Courtney Throckmorton, 591 Somerset Street, Somerset:

1. Concurred on the need for televising council meetings.
2. Objected to the failure of the Council to conduct the promised two-hour Work Session on the NBR Underlying Zone and noted that public interest has dwindled over time.
3. Noted that the First Baptist Church Community Development Commission is over-represented in the redevelopment efforts.
4. Contradicted information provided on behalf of the redevelopment contractor that the Somerset/Henry residential project will only produce .2 school-age children per unit and stated that the project will become a negative drain on the Township.
5. Objected to the redevelopment of property on Route 27 for housing, noting the five-lane heavily traveled road, attractive nuisances on the opposite side of the road in terms of fast food restaurants which would encourage pedestrian traffic, and the suggestion that the sites provide easy access for senior citizens to the Suburban Transit bus terminal requiring pedestrian crossing of Route 27.
6. Noted Governor McGreevy's proposed moratorium on development and the need to look at how open land and farmland are taxed to discourage sale to developers.

Vicki Drecolis, 27 Weston Road and owner of property in the Renaissance 2000 Redevelopment Area:

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1. Questioned if residents have the ability to submit a plan to redevelop their own property since the redeveloper has not executed the contract. Township Manager Daly responded that, under the Redevelopment Law, if someone is designated as a Redeveloper, whether or not the agreement is signed, the designation has been made. Township Attorney Rainone advised that if the agreement is not signed, the designation can be withdrawn. There is nothing that would prohibit the property owners from submitting an application to be designated as the redeveloper.
2. Questioned if the Council ever considered going to the property owners to encourage improvements without going to redevelopment. Township Attorney Rainone responded that they did and that the Redevelopment Plan provides information on the efforts made over 25 years.
3. Noted that PM Construction, predecessor to Pizzo & Pizzo for the Weston Road development, offered to donate \$10,000 to the Township for a park in the sod farm portion of the development. Ms. Drecolis questioned the status of that contribution and questioned if the developer has cleared more trees than was approved by the Planning Board. Township Manager Daly responded that the developer's agreement and the final resolution of the Planning Board determine what the developer is legally bound to do. He will investigate these documents.

Harold Leventhal, 360 DeMott Lane, thanked Council for creating the position of liaison to the Cable Television Advisory Committee and noted that the Committee is looking for a site in the municipal building for equipment to provide for televising Council meetings within a year. Deputy Mayor Grippo noted that the creation of a studio would be a capital expense and that a cost estimate should be obtained by the Township Manager. Township Manager Daly responded that, similar to other communities, the televising will propose cameras mounted in the ceiling of the Chambers but not a studio which is expensive to provide and maintain.

Michael Orsini, 24 Nepote Place, Somerset:

1. Reported that the Shade Tree Commission will be planting thirty trees in Dunham-Lebed Park as part of their Arbor Day celebration.
2. Questioned the brush/hedge clearing which would be necessitated by the ordinance scheduled for introduction this evening and the need for review by the Shade Tree Commission. Township Manager Daly responded that the ordinance only deals with sight distance at intersections of roads and driveways and replaces the current 30' by 100' sight right with the Institute of Transportation Engineer's formula.
3. Expressed his dismay of the clearing done by developers along Weston Road which is intended to be included in our Scenic Corridor Ordinance being developed by the Planning Board, and the desire of the Commission to see what can be done to restore that corridor.

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

10. ORDINANCE INTRODUCTION – AMEND CODE – CHAPTER 112, DEVELOPMENT – SECTION 112-3, GENERAL REGULATIONS – SUBSECTION P, BRUSH AND HEDGES NEAR ROADWAYS (REPLACE DISTANCE REQUIREMENTS WITH INSTITUTE OF TRANSPORTATION ENGINEERS FORMULA)

Township Clerk Pellicane read by title:

"AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, SOMERSET COUNTY, NEW JERSEY, MORE PARTICULARLY

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CHAPTER 112, DEVELOPMENT – SECTION 112-3, GENERAL REGULATIONS, SUBSECTION P, BRUSH AND HEDGES NEAR ROADWAYS AND INTERSECTIONS (REPLACE DISTANCE REQUIREMENTS WITH INSTITUTE OF TRANSPORTATION ENGINEERS FORMULA" which is presented to Council for adoption on first reading, posting, publication in accordance with law for public hearing on February 25, 2003.

Mr. Chivukula so moved. Mr. Mazzola seconded the motion. Township Clerk Pellicane polled the Board, the vote being as follows:

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

Motion was carried.

11. ORDINANCE INTRODUCTION – AMEND CODE – CHAPTER 226, VEHICLES & TRAFFIC – SECTION 226-30, ON-STREET HANDICAPPED PARKING SPACE – RESCIND ON-STREET HANDICAPPED PARKING SPACE ON KEE AVENUE FOR 601 HAMILTON STREET

Township Clerk Pellicane read by title:

"AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 226 – VEHICLES AND TRAFFIC – SECTION 226-30 (ON-STREET HANDICAPPED PARKING SPACE (DELETE KEE AVENUE FOR DWELLING AT 601 HAMILTON STREET))" which is presented to Council for adoption on first reading, posting, publication in accordance with law for public hearing on February 25, 2003.

Mr. Chivukula so moved. Mr. Mazzola seconded the motion. Township Clerk Pellicane polled the Board, the vote being as follows:

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

Motion was carried.

12. CONSENT AGENDA

Township Clerk Pellicane requested Council to add to the Consent Agenda a new resolution Y. The Council, by resolution adopted on January 14th, authorized a Professional Service Agreement with DMR Architects to design the Animal Control Facility at a cost of \$49,300.00 (\$44,800.00 plus \$4,500.00 for reimbursable expenses) based on a November 28, 2001 proposal. It has been subsequently determined that the proposal was revised on October 16, 2002 and that the agreement should be for the amount of \$49,300.00 without the cost/expense breakdown.

Mr. Mettler moved to amend the consent agenda to add Item Y. Mr. Chivukula seconded the motion.

Township Clerk Pellicane polled the Board, the vote being as follows:

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

Motion was carried.

A. Tax Title Lien Redemptions:

Wright – Block 121/Lot 8 - \$247.30 – 139 Fuller Street
 Kim – Block 150/Lot 128 - \$10,591.34 – 707 Somerset Street
 Wilson – Block 200/Lot 9.01 - \$610.46 – 147 Winslow Avenue
 Wilson – Block 200/Lot 12.01 - \$617.30 – 147 Winslow Avenue
 Wilson – Block 200/Lot 15.01 - \$596.79 – 147 Winslow Avenue
 Gaines – Block 424.04/Lot 481 - \$1,750.25 – 2 Smithwold Road (1999)
 Gaines – Block 424.04/Lot 481 - \$345.45 – 2 Smithwold Road (2000)
 Stonehenge Homeowners Association – Block 424.12/Lot 4.13 - \$1,752.08 – 19
 Wexford Way (2000)
 Stonehenge Homeowners Association – Block 424.12/Lot 4.13 - \$730.28 – 19
 Wexford Way (2001)

B. Establish Interest Rate – 2003 First Quarter Taxes

C. Budget – FY2003 Insertion – NJ Department of Law & Public Safety – Safe & Secure Communities Program - \$60,000.00

D. Budget – FY2003 Insertion – Somerset County United Way – Therapeutic Basketball Program Grant - \$1,000.00

E. Purchase/Competitive Contract – Character Assets, Inc. – Administration of Character Assets Program - \$8,400

F. Purchase – Emtec – Hardware for CAD System upgrade - \$78,763.42 – State Contract

G. Purchase – Emtec – Computer for Animal Shelter - \$1,220.00 – State Contract

H. Purchase – IC Systems – Software for CAD System upgrade - \$124,500.00 – State Contract

I. Purchase/Exempt from Bidding – DesLauriers Municipal Solution – GMS License Maintenance - \$11,683.76

J. Contract Amendment – Summco, Inc., dba Maaco Auto Painting & Body Works – Auto Body Repair and Refinishing - 3/1/02 to 2/28/03/additional \$5,000.00; 3/1/03 to 2/29/04/\$50,000.00

K. Grant Application – NJDEPT – 2001 Recycling Tonnage Grant

L. Escrow Release – Inspection Fees:

Briad Group, AKA Marriott Residence Inn - \$2,719.50

M. Escrow Release – Plan Review:

Verizon New Jersey, Inc. - \$2,562.50

N. Performance Guarantee Release – Briad Lodging Group/Franklin LCC/AKA Marriott Residence Inn – Docket #P200056P - \$605,089.00

O. Performance Guarantee Reduction – Canal Walk Associates, LLC – Docket #PLN2001-0022/Model Area – from \$60,034.80 to \$18,300.00

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- P. Performance Guarantee Reduction – Canal Walk Associates, LLC – Docket #P99052/Phase II– from \$4,865,207.76 to \$1,823,418.96
- Q. Performance Guarantee Reduction – Canal Walk Associates, LLC – Docket #PLN2001-0015/Phase III – from \$560,617.80 to \$343,795.20
- R. Performance Guarantee Reduction – Jay Construction Co., aka Hamilton Square – Docket #P200021S – from \$45,3450.00 to \$13,603.68
- S. Approve 2003 Commissioners Salaries – Fire District No. 2
- T. Approve 2003 Commissioners Salaries – Fire District No. 4
- U. Out of State Travel – Marc Dashield – National Forum for Black Public Administrators - \$1,500.00
- V. Professional Service Agreement – Dr. Rohini Jobanputra – Child Health, Family Planning and Flu Clinics – 1/1/03 to 6/30/03 - \$150.00 per clinic/not to exceed \$7,425.00
- W. Professional Service Agreement – Wilentz, Goldman & Spitzer – Bond Counsel – 1/1/03 to 12/31/03 - \$155 per hour/not to exceed \$30,000.00
- X. Appointments – Senior Citizen Advisory Committee – 2/01/03 to 1/31/04
- Y. Professional Service Agreement – DMR – Architect – Animal Shelter - \$49,300.00 – Amend

A. 03-043 RESOLUTION - TAX TITLE LIEN REDEMPTION - OUTSIDE BUYER

WHEREAS, at a sale of land for delinquent taxes and all liens held by the Collector of Taxes of Franklin Township, Somerset County, various blocks and lots were sold to the following persons; and

WHEREAS, said property and/or liens have been redeemed by the owners thereof, and the purchasers of said property are legally entitled to a refund of monies paid at the time of redemption in the following specific amount

NOW, THEREFORE, BE IT RESOLVED that the amounts covering the certificates of sale, together with all the charges due the said individuals at the time of redemption be and the same are hereby ordered refunded to the said individuals, and the proper officials of the Township of Franklin, Somerset County, New Jersey, are hereby authorized and empowered to execute a voucher to the said individuals in the following amounts:

<u>DATE OF SALE</u>	<u>BLOCK/LOT</u>	<u>NAME</u>	<u>AMOUNT</u>
June 13, 2002	121/8	Wright, Carl & Wendy 139 Fuller Street Somerset NJ 08873	\$ 247.20
PAID:	January 10, 2003	CERT #020069	
LIENHOLDER:	Mooring Tax Asset Group LLC	8614 Westwood Center Drive, Suite 650	Vienna VA 22182
June 07, 2001	150/128	Kim, Do Soo & Mija 1 Deer Cross Lane North Brunswick NJ 08902 (707 Somerset Street)	\$10,591.34
PAID:	January 10, 2003	CERT #01-43	
LIENHOLDER:	JN Properties	175 Market Street, Suite 301	Paterson NJ 07505
June 13, 2002	200/9.01	Wilson, Richard	\$ 610.46
	200/12.01	4 Stiles Lane	617.30

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	200/15.01	Franklin Park NJ 08823 (147/157/167 Winslow Avenue)	596.79
PAID:	January 08, 2003	CERT #020105; 020106 & 020107	
LIENHOLDER:	Fernwood Funding		
	92 Main Avenue	Wallington NJ 07057	
June 10, 1999	424.04/481	Gaines, Darrell	
		2 Smithwold Road	\$ 1,750.25
June 08, 2000		2 Smithwold Road	345.45
		Somerset NJ 08873	
PAID:	January 08, 2003	CERT #99-80; 20-65	
LIENHOLDER:	Wachovia CT/M.D. Sass II		
	123 South Broad Street, PA 1328	Philadelphia PA 19109	
June 08, 2000	424.12/4.13	Stonehenge Homes	\$ 1,752.08
June 07, 2001		315 Raritan Avenue	730.28
		Highland Park NJ 08904	
		(19 Wexford Way)	
PAID:	January 14, 2003	CERT #20-244, 01-261	
LIENHOLDER:	Herbert Sehgel		
	PO Box 284	Kingston NJ 08528	

B. 03-044 RESOLUTION-INTEREST RATE-2003 FIRST QUARTER TAX

WHEREAS, 2003 First Quarter Tax are payable February 1, 2003; and

WHEREAS, due to late mailing of the tax bills, it has been deemed that the penalty for the Payment of First Quarter Tax between February 11 and February 25, 2003 shall be set at .001%;

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Franklin, in the County of Somerset and State of New Jersey that the interest rate for First Quarter Tax between February 11 and February 25, 2003 be .001%.

C. 03-045 RESOLUTION – INSERTION IN BUDGET – STATE OF NEW JERSEY - DEPARTMENT OF LAW & PUBLIC SAFETY, SAFE AND SECURE COMMUNITIES PROGRAM - \$60,000.00

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 \$60,000.00 with a match of \$0.00, from the Matching Funds for Grant for STATE OF NEW JERSEY, DEPARTMENT OF LAW & PUBLIC SAFETY, SAFE AND SECURE COMMUNITIES PROGRAM, for a total of \$60,000.00, and wishes to amend its 2003 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 2003 in the sum of \$60,000.00 which is now available as revenue from:

**STATE OF NEW JERSEY, DEPARTMENT OF LAW & PUBLIC SAFETY
SAFE & SECURE COMMUNITIES PROGRAM**

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BE IT FURTHER RESOLVED that a like sum of \$60,000.00, with a match of \$0.00 from \$0.00 for STATE OF NEW JERSEY, DEPARTMENT OF LAW & PUBLIC SAFETY, SAFE & SECURE COMMUNITIES PROGRAM for a total contract of \$60,000.00 and the same is hereby appropriated under the caption of:

**STATE OF NEW JERSEY, DEPARTMENT OF LAW & PUBLIC SAFETY
SAFE & SECURE COMUNITIES PROGRAM**

BE IT FURTHER RESOLVED that the Township Clerk forward three (3) copies of this Resolution to the Director of Local Government Services.

D. 03-046 RESOLUTION – INSERTION IN BUDGET – SOMERSET COUNTY UNITED WAY - THERAPEUTIC BASKETBALL PROGRAM GRANT - \$1,000.00

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 match for SOMERSET COUNTY UNITED WAY THERAPEUTIC BASKETBALL PROGRAM GRANT, and wishes to amend its 2003 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 2003 in the sum of \$1,000.00 which is now available as revenue from:

**SOMERSET COUNTY UNITED WAY THERAPEUTIC
BASKETBALL PROGRAM GRANT**

BE IT FURTHER RESOLVED that a like sum of \$1,000.00, for SOMERSET UNITED WAY THERAPEUTIC BASKETBALL PROGRAM GRANT be and the same is hereby appropriated under the caption of:

**SOMERSET COUNTY UNITED WAY THERAPEUTIC
BASKETBALL PROGRAM 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.

E. 03-047 RESOLUTION - COMPETITIVE CONTRACT – CHARACTER ASSETS, INCORPORATED – ADMINISTRATION OF CHARACTER ASSETS, INCORPORATED - DATE OF NOTICE TO PROCEED TO SEPTEMBER 30, 2003 - AN AMOUNT NOT TO EXCEED \$8,400.00

WHEREAS, the Township of Franklin is desirous of contracting for the Administration of the Character Assets Program; and

WHEREAS, NJSA 40A:11-4 et. seq. provides that the provision of specialized goods and services requires sealed bids, and that price and other factors can be considered when awarding a contract; and

WHEREAS, quotations for the provision of Administration of the Character Assets Program was publicized:

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

CHARACTER ASSETS, INCORPORATED**8 Morgan Court****Bedminster NJ 07921****Amount not to exceed \$8,400.00; and**

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

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

BE IT FURTHER RESOLVED that notice of this action shall be printed in the official Township newspaper as required by law.

**F. 03-048 RESOLUTION - AUTHORIZE PURCHASE UNDER STATE CONTRACT –
EMTEC - HARDWARE & REQUIRED UPGRADES TO CAD &
RECORDS MANAGEMENT SYSTEM - AN AMOUNT NOT TO EXCEED
\$78,763.42**

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

**VENDOR: Emtec, Incorporated
817 East Gate Drive
Mt. Laurel NJ 08054
State Contract No. A81212**

**ITEMS: Hardware & required Upgrades to existing Equipment
COST: An amount not to exceed \$78,763.42**

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

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

**G. 03-049 RESOLUTION - AUTHORIZE PURCHASE UNDER STATE CONTRACT
- EMTEC - COMPUTER FOR ANIMAL SHELTER - AN AMOUNT NOT
TO EXCEED \$1,220.00**

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

**VENDOR: Emtec, Incorporated
817 East Gate Drive
Mt. Laurel NJ 08054
State Contract No. A81212**

**ITEMS: Computer for Animal Shelter
COST: An amount not to exceed \$1,220.00**

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

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

H. 03-050 RESOLUTION - AUTHORIZE PURCHASE UNDER STATE CONTRACT - IC SYSTEM SOLUTIONS, INCORPORATED – SOFTWARE TO UPGRADE CAD AND RECORDS MANAGEMENT SYSTEM - AN AMOUNT NOT TO EXCEED \$124,500.00

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

VENDOR: IC System Solutions, Incorporated
270 Broadway
Hillsdale NJ 07642
State Contract No. A81206

ITEMS: Software to Upgrade CAD and Records Management System
COST: An amount not to exceed \$124,500.00

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

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

I. 03-051 RESOLUTION - AUTHORIZE PURCHASE UNDER STATE CONTRACT AND PURCHASES EXEMPT FROM BIDDING REQUIREMENTS - DESLAURIERS MUNICIPAL SOLUTIONS, INCORPORATED - GEO TMS LICENSE MAINTENANCE -AN AMOUNT NOT TO EXCEED \$11,683.76

WHEREAS, the Township of Franklin desires to purchase items as follows through State Contract, which items exceed the prevailing bid threshold, and items which are exempt from bidding requirements under the provisions of NJSA 40A:11-5-dd, maintenance for proprietary software; and

VENDOR: DESLAURIERS MUNICIPAL SOLUTIONS, INC.
40 Kenwood Circle, Suite 8
Franklin MA 02038

ITEMS: Maintenance License for GeoTMS Software for Planning/Zoning Department

COST: \$11,683.76
Exempt from Bidding Requirements

WHEREAS, the Chief Financial Officer has certified in writing, a copy of which certification is attached hereto, that funds are available and the Municipal Attorney has reviewed said certificate and is satisfied that said certificate is in proper form; and

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

WORK SESSION/REGULAR MEETING – JANUARY 28, 2003**J. 03-052 RESOLUTION - CONTRACT AMENDMENT - SUMMCO, INCORPORATED d/b/a MAACO AUTO PAINTING & BODY WORKS - AUTOMOBILE BODY REPAIR & REFINISHING - AN ADDITIONAL AMOUNT NOT TO EXCEED \$55,000.00**

WHEREAS, the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey, has on February 12, 2002, authorized the awarding of a contract to

**SUMMCO, INCORPORATED
d/b/a MAACO AUTO PAINTING
& BODY WORKS
17H Edgeboro Road
East Brunswick NJ 08816**

An amount not to exceed \$25,000.00; and

WHEREAS, during the course of the project, there was need for additional funding, resulting in a September 9, 2002 Change Order 1 to provide \$25,000.00 for additional body repair and refinishing; and

WHEREAS, there is need to provide additional funding for the contract to provide the following:

Additional body repair and refinishing for the period ending February 28, 2003 - **\$5,000.00**

Additional body repair and refinishing for the period March 1, 2003 to February 29, 2004 **\$50,000.00**

WHEREAS, while this change represents more than 100% increase from the original resolution, the State of New Jersey, Division of Local government Services has given an opinion that a change order of this nature is explainable and suggests that the resolution and future resolutions be written allowing for an upward adjustment without the need for a change order; 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;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey, does hereby authorize the issuance of an amendment to the contract with Summco, Incorporated d/b/a MAACO Auto Painting & Body Works as set forth above; and

BE IT FURTHER RESOLVED that the Township Mayor and Township Clerk be and they are authorized to sign said amended contract on behalf of the Township.

K. 03-053 RESOLUTION - TONNAGE GRANT APPLICATION - 2001

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c. 102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to Implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and to indicate the assent of

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the Township Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of Franklin in the County of Somerset and State of New Jersey hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Andrew Twiford, Director of DPW to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

L. 03-054 RESOLUTION - RELEASE OF INSPECTION ESCROW MONIES – BRIAD GROUP aka MARRIOTT RESIDENCE INN - DOCKET NO. P200056P - \$2,719.50

WHEREAS, the Township of Franklin, Somerset County has received escrow monies for purposes of anticipated inspection fees as noted below; and

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

APPLICANT: BRIAD GROUP aka MARRIOTT RESIDENCE INN
ADDRESS: 30A Vreeland Road Florham Park NJ 07932

DOCKET NO: P2000056P
BLOCK/LOT: 468.09/49, 50 & 51
LOCATION: Worlds Fair Drive
AMOUNT DEPOSITED: \$22,564.00
AMOUNT CHARGED: <19,844.50>
AMOUNT TO BE REFUNDED: \$ 2,719.50

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.

M. 03-055 RESOLUTION - RELEASE OF PLAN REVIEW ESCROW - VERIZON NEW JERSEY, INCORPORATED - DOCKET NO. PLN2002-0045 - \$2,562.50

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: VERIZON NEW JERSEY, INCORPORATED
ADDRESS: 812 Central Avenue Westfield NJ

DOCKET NO: PLN2002-0045
BLOCK/LOT: 513.01/12.01

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LOCATION: Weston Road
 AMOUNT DEPOSITED: \$3,000.00
 AMOUNT CHARGED: 437.50
 AMOUNT TO BE REFUNDED: \$2,562.50

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

N. 03-056 RESOLUTION - PERFORMANCE GUARANTEE RELEASE - BRIAD LODGING GROUP FRANKLIN LLC aka MARRIOTT RESIDENCE INN - DOCKET NO. P200056P - \$605.089.00

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

ITEM: PERFORMANCE BOND
 NAME OF APPLICANT: BRIAD LODGING GROUP FRANKLIN LLC aka MARRIOTT RESIDENCE INN
 ADDRESS OF APPLICANT: 30A Vreeland Road Florham Park NJ 07932
 NUMBER: FP0008437
 INSURANCE CO./BANK: First Indemnity of America Insurance Company
 119 Littleton Road Parsippany NJ 07054
 IN THE AMOUNT OF: \$605,089.00
 FOR: Site Improvements for Docket No. P200056P, Block 468.09/Lots 49, 50 & 51/Worlds Fair Drive; 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.

Q. 03-057 RESOLUTION - PERFORMANCE GUARANTEE REDUCTION - CANAL WALK ASSOCIATES, LLC - DOCKET NO. PLN2001-0022 MODEL AREA - FROM \$60,034.80 TO \$18,300.00

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

ITEM: PERFORMANCE BOND
 NAME OF APPLICANT: CANAL WALK ASSOCIATES, LLC
 ADDRESS OF APPLICANT: 812 Central Avenue Westfield NJ 07090
 NUMBER: 45024614

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INSURANCE CO./BANK: Greenwich Insurance Company
One Exchange Place #501 Jersey City NJ 07302

IN THE AMOUNT OF: \$60,034.80

FOR: Site Improvements for Docket No. PLN2001-0022 Model Area, Block 513/Lots 1, 2, 4, 10, 11, 12.01, 13.01 & 15 - Weston Canal Road - Mettlers Lane; and

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

WHEREAS, the Township Engineer, after inspection, recommends reduction of the aforesaid Performance Guarantee to the amount of \$18,300.00;

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 upon receipt of a reduced performance guarantee in the amount of \$18,300.00.

P. 03-058 RESOLUTION - PERFORMANCE GUARANTEE REDUCTION - CANAL WALK ASSOCIATES, LLC - DOCKET NO. P99052 PHASE II - FROM \$4,865,207.76 TO \$1,823,418.96

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

ITEM: PERFORMANCE BOND

NAME OF APPLICANT: CANAL WALK ASSOCIATES, LLC

ADDRESS OF APPLICANT: 812 Central Avenue Westfield NJ 07090

NUMBER: UB-0268535

INSURANCE CO./BANK: Greenwich Insurance Company
One Exchange Place #501 Jersey City NJ 07302

IN THE AMOUNT OF: \$4,865,207.76

FOR: Site Improvements for Docket No. P99052 Phase II, Block 513/Lots 1, 2, 4, 10, 11, 12.01, 13.01 & 15 - Weston Canal Road - Mettlers Lane; and

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

WHEREAS, the Township Engineer, after inspection, recommends reduction of the aforesaid Performance Guarantee to the amount of \$1,823,418.96;

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 upon receipt of a reduced performance guarantee in the amount of \$1,823,418.96.

Q. 03-059 RESOLUTION - PERFORMANCE GUARANTEE REDUCTION - CANAL WALK ASSOCIATES, LLC - DOCKET NO. PLN2001-0015 PHASE III - FROM \$560,617.80 TO \$343,795.20

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

ITEM: IRREVOCABLE LETTER OF CREDIT

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NAME OF APPLICANT: CANAL WALK ASSOCIATES, LLC

ADDRESS OF APPLICANT: 812 Central Avenue Westfield NJ 07090

NUMBER: 707-SB

INSURANCE CO./BANK: Union Center National Bank
2455 Morris Avenue Union NJ 07083

IN THE AMOUNT OF: \$560,617.80

FOR: Site Improvements for Docket No. PLN2001-0015 Phase III, Block 513/Lots 1, 2, 4, 10, 11, 12.01, 13.01 & 15 - Weston Canal Road - Mettlers Lane; and

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

WHEREAS, the Township Engineer, after inspection, recommends reduction of the aforesaid Performance Guarantee to the amount of \$343,795.20;

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 upon receipt of a reduced performance guarantee in the amount of \$343,795.20.

R. 03-060 RESOLUTION - PERFORMANCE GUARANTEE REDUCTION - JAY CONSTRUCTION COMPANY aka HAMILTON SQUARE - DOCKET NO. P2000021S - FROM \$45,345.00 TO \$13,603.68

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

ITEM: IRREVOCABLE LETTER OF CREDIT

NAME OF APPLICANT: JAY CONSTRUCTION COMPANY aka HAMILTON SQUARE

ADDRESS OF APPLICANT: 3086 Highway 27, Suite 12 Kendall Park NJ 08824

NUMBER: #3

INSURANCE CO./BANK: Magyar Savings Bank
Kendall Park NJ 08824

IN THE AMOUNT OF: \$45,345.00

FOR: Site Improvements for Docket No. P2000021S, Block 97/Lots 27-38; Block 98/Lots 23.01-36.01 - Coddington Avenue; and

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

WHEREAS, the Township Engineer, after inspection, recommends reduction of the aforesaid Performance Guarantee to the amount of \$13,603.68;

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 upon receipt of a reduced performance guarantee in the amount of \$13,603.68.

WORK SESSION/REGULAR MEETING – JANUARY 28, 2003**S. 03-061 RESOLUTION - ANNUAL COMPENSATION - BOARD OF FIRE COMMISSIONERS - FIRE DISTRICT NO. 2**

WHEREAS, NJSA 40A:14-88 provides in pertinent part:

"EACH MEMBER OF THE BOARD OF FIRE COMMISSIONERS SHALL RECEIVE AS COMPENSATION SUCH AMOUNT AS THE BOARD SHALL FIX SUBJECT TO REVIEW BY THE GOVERNING BODY WHEREIN THE FIRE DISTRICT IS LOCATED"; and

WHEREAS, by letter dated January 21, 2003 the Board of Commissioner, Fire District No. 2, has proposed Annual Compensation for various members of the Board of Fire Commissioner at \$2,500.00 each; and

WHEREAS, Township Council has carefully considered such proposed salaries; and

WHEREAS, the Township Council is of the opinion that the public interest would be best served by the approval of said proposed salaries;

NOW, THEREFORE, BE IT RESOLVED this 28th day of January, 2003 by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey does hereby approve payment of the salaries as proposed in a letter dated January 21, 2003 by the Board of Commissioners, Fire District No 2.

T. 03-062 RESOLUTION - ANNUAL COMPENSATION - BOARD OF FIRE COMMISSIONERS - FIRE DISTRICT NO. 4

WHEREAS, NJSA 40A:14-88 provides in pertinent part:

"EACH MEMBER OF THE BOARD OF FIRE COMMISSIONERS SHALL RECEIVE AS COMPENSATION SUCH AMOUNT AS THE BOARD SHALL FIX SUBJECT TO REVIEW BY THE GOVERNING BODY WHEREIN THE FIRE DISTRICT IS LOCATED"; and

WHEREAS, by letter dated December 23, 2002 the Board of Commissioner, Fire District No. 4, has proposed Annual Compensation for various members of the Board of Fire Commissioner at \$200.00 each; and

WHEREAS, Township Council has carefully considered such proposed salaries; and

WHEREAS, the Township Council is of the opinion that the public interest would be best served by the approval of said proposed salaries;

NOW, THEREFORE, BE IT RESOLVED this 28th day of January, 2003 by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey does hereby approve payment of the salaries as proposed in a letter dated December 23, 2002 by the Board of Commissioners, Fire District No 4.

U. 03-063 RESOLUTION - AUTHORIZE OUT OF STATE TRAINING – MARC DASHIELD, ASSISTANT TOWNSHIP MANAGER – NATIONAL FORUM FOR BLACK PUBLIC ADMINISTRATORS – APRIL 26-30, 2003

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 permission is hereby granted for Marc Dashield, Assistant Manager, to attend the National Forum for Black Administrators in Fort Lauderdale Fla. from April 26-30, 2003 at a cost to the Township of \$1500.00 for registration fee, travel, lodging and meals.

WORK SESSION/REGULAR MEETING – JANUARY 28, 2003**V. 03-064 RESOLUTION - PROFESSIONAL SERVICE - ROHINI JOBANPUTRA, MD - CHILD HEALTH; FAMILY PLANNING; PAP & FLU CLINICS - JANUARY 1, 2003 TO JUNE 30, 2003 - \$150.00 PER CLINIC/AN AMOUNT NOT TO EXCEED \$7,425.00**

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

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

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

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40:11-1 et seq.) requires that the resolution authorizing the award of contracts for "PROFESSIONAL SERVICES" without competitive bids must be publicly advertised;

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

- (1) The Mayor and Township Clerk are hereby authorized and directed to execute the below referenced 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 a "PROFESSIONAL SERVICE" under the provisions of the Local Public Contracts Law because it is a recognized profession licensed and regulated by law and it is not possible to obtain competitive bids.
- (3) A notice of this action shall be printed in the **LEGAL NEWSPAPER OF THE TOWNSHIP** as required by law within ten (10) days of its passage.
- (4) The vendor shall supply the Township of Franklin with Federal Affirmative Action Plan Approval or State Certificate of Employee Information Report within the time period specified by NJAC 17:27. The Contract shall contain the Mandatory Affirmative Action Language for Professional Service Contracts required by NJAC 17:27, a copy of which shall be attached to and incorporated in the Professional Service Agreement authorized herein.
- (5) The vendor shall agree to comply with the requirements of Title II of the Americans with Disabilities Act of 1990 and indemnify, protect and save harmless the Township from all suits, claims, losses, demands or damages of whatever kind or nature arising out of or claimed to arise out of alleged violations of the Act. A copy of the Act shall be attached to and incorporated in the Professional Service Agreement authorized herein.

VENDOR NAME: ROHINI JOBANPUTRA, MD

ADDRESS: 1982 Hollard Drive Branchburg NJ 08876

CONTRACT AMOUNT: \$150.00 per Clinic/An amount not to exceed \$7,425.00

SERVICE: Child Health; Family Planning; Pap & Flu Clinics (99 Clinics) - January 1, 2003 to June 30, 2003

W. 03-065 RESOLUTION - PROFESSIONAL SERVICE - WILENTZ, GOLDMAN & SPITZER, P.A. - BOND COUNSEL SERVICES - JANUARY 1, 2003 TO DECEMBER 31, 2003 - FEE SCHEDULE OR \$155.00 PER HOUR - AN AMOUNT NOT TO EXCEED \$30,000.00

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

WORK SESSION/REGULAR MEETING – JANUARY 28, 2003

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, 2003 (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, \$155.00 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, 2003 to December 31, 2003.

X. 03-066 RESOLUTION - APPOINTMENT TO SENIOR CITIZEN ADVISORY COMMITTEE

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 appoint the following Regular

WORK SESSION/REGULAR MEETING – JANUARY 28, 2003

and Alternate Members of the **SENIOR CITIZEN ADVISORY COMMITTEE** for one (1) year terms commencing February 1, 2003 and expiring January 31, 2004:

FRANKLIN TOWNSHIP SENIOR CITIZEN CLUB:

Regular: Charles Seigel
11M Franklin Greens Somerset NJ 08873

Alternate: Isabella McKenna
3 Indiana Road Somerset NJ 08873

FRANKLIN PARK SENIOR CITIZENS CLUB:

Regular: John P. Grosso
61 Hollywood Avenue Somerset NJ 08873

Alternate: Thomas Allaway
333 Hazlitt Way Somerset NJ 08873

PARKSIDE SENIOR CITIZENS CLUB:

Regular: Martha Belnavis
152 Berger Street Somerset NJ 08873

Alternate: James Surratt
33 MacAfee Road Somerset NJ 08873

SOMERSET SENIOR RESIDENCE:

Regular: Helen Papoioannou
360 DeMott Lane #509 Somerset NJ 08873

Alternate: Marlene McCollum
360 DeMott Lane Somerset NJ 08873

UNITED SENIORS:

Regular: Zola Surratt
33 MacAfee Road Somerset NJ 08873

Alternate: Gloria Parker
88 Haverhill Place Somerset NJ 08873

PARKS & RECREATION:

Marianne Finnegan-Regan Senior Citizen Coordinator
Ex Officio Representative: Sue van Aken, Recreation Program Director

Y. 03-067 RESOLUTION - PROFESSIONAL SERVICE - DMR ARCHITECTS - ARCHITECTURAL & ENGINEERING SERVICES/EXPANSION OF ANIMAL CONTROL FACILITY - AN AMOUNT NOT TO EXCEED \$49,300.00 — \$44,800.00 PLUS \$4,500.00 FOR REIMBURSEABLE EXPENSES

BE IT AND IT IS HEREBY RESOLVED that the resolution adopted by the Township Council on January 14, 2003 awarding a Professional Service Agreement to DMR Architects, be and it is hereby amended to read as follows:

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

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

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

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WHEREAS, the Local Public Contracts Law (N.J.S.A. 40:11-1 et seq.) requires that the resolution authorizing the award of contracts for "PROFESSIONAL SERVICES" without competitive bids must be publicly advertised;

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

- (1) The Mayor and Township Clerk are hereby authorized and directed to execute the below referenced 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 a "PROFESSIONAL SERVICE" under the provisions of the Local Public Contracts Law because it is a recognized profession licensed and regulated by law and it is not possible to obtain competitive bids.
- (3) A notice of this action shall be printed in the **LEGAL NEWSPAPER OF THE TOWNSHIP** as required by law within ten (10) days of its passage.
- (4) The vendor shall supply the Township of Franklin with Federal Affirmative Action Plan Approval or State Certificate of Employee Information Report within the time period specified by NJAC 17:27. The Contract shall contain the Mandatory Affirmative Action Language for Professional Service Contracts required by NJAC 17:27, a copy of which shall be attached to and incorporated in the Professional Service Agreement authorized herein.
- (5) The vendor shall agree to comply with the requirements of Title II of the Americans with Disabilities Act of 1990 and indemnify, protect and save harmless the Township from all suits, claims, losses, demands or damages of whatever kind or nature arising out of or claimed to arise out of alleged violations of the Act. A copy of the Act shall be attached to and incorporated in the Professional Service Agreement authorized herein.

VENDOR NAME: DMR ARCHITECTS

ADDRESS: 99 Essex Street Maywood NJ 07607

CONTRACT AMOUNT: \$49,300.00 ~~\$44,800 plus \$4,500 for reimbursable expenses~~

SERVICE: Architectural and Engineering Services for Addition and Alteration to the Franklin Township Animal Control Facility in accordance with November 28, 2001 Proposal and October 16, 2002 revised to proposal on file with the Township Clerk.

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

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

Motion was carried.

NOMINATIONS FOR ONE (1) REGULAR MEMBER OF THE ADVISORY BOARD OF HEALTH TO FILL THE UNEXPIRED TERM OF JOHN CARLANO – EXPIRING 12/31/03

NOMINATIONS FOR ONE (1) REGULAR MEMBER OF THE ADVISORY BOARD OF HEALTH – VACANT POSITION - EXPIRING 12/31/04

WORK SESSION/REGULAR MEETING – JANUARY 28, 2003**NOMINATIONS FOR ONE (1) MEMBER OF THE HUMAN RELATIONS COMMISSION – THREE (3) YEAR TERM - EXPIRING 12/31/05****NOMINATIONS FOR TWO (2) CITIZEN MEMBERS OF THE OPEN SPACE ADVISORY COMMITTEE – THREE (3) YEAR TERMS - EXPIRING 12/31/05****NOMINATIONS FOR ONE (1) REGULAR MEMBER OF THE OPEN SPACE ADVISORY COMMITTEE TO FILL THE UNEXPIRED TERM OF JOHN LOOS - EXPIRING 12/31/03**

The above appointments were deferred to February 11, 2003.

18. COUNCIL COMMENTS

No Council comments were forthcoming.

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

Read by Township Clerk Pellicane

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

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

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

Property Acquisition
Scott Property

Matters Relating to the Purchase, Lease or Acquisition of Real Property or the Investment of Public Funds: Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.

Labor Negotiations
Blue Collar Union

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

Personnel
Somerset Community Action Program

Matters Relating to the Employment Relationship: Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting.

WORK SESSION/REGULAR MEETING – JANUARY 28, 2003

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, assembled in public session on this 28th day of February, 2003, that an Executive Session closed to the public shall be held on January 28, 2003, at 9:22 pm in the Franklin Township Municipal Complex, 475 DeMott Lane, Somerset, New Jersey for the discussion of matters relating to the specific items designated above.

It is anticipated at this time that the above-stated subject matter will be made public:

With respect to litigation, negotiation, collective bargaining and Attorney-Client Privilege at the conclusion of said litigation or negotiations;

With respect to acquisition of property at such time as the property is acquired or the acquisition is abandoned;

With regard to personnel and or employment relationship matters at such time as the affected employee shall authorize the release of such information, and/or in accordance with **South Jersey Pub. Co. v. NJ Expressway Auth., 124 NJ 478 (1991)**.

This Resolution shall take effect immediately.

Motion was made, seconded and unanimously agreed to adjourn to Executive Session. Council adjourned to Executive Session at 9:22 p.m. Meeting resumed and was immediately adjourned at 9:37 p.m.

WILLIS SUMTER, MAYOR

JEAN C. PELLICANE, RMC, TOWNSHIP CLERK