

REGULAR MEETING OF THE TOWNSHIP COUNCIL
TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, NEW JERSEY
FEBRUARY 12, 2002

The Regular Meeting of the Township Council of the Township of Franklin, County of Somerset, New Jersey, held at 475 DeMott Lane, Somerset, New Jersey, was called to order by the Mayor at 8:02 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 Councilman Mettler.

The Township Clerk called the roll.

Present: Mayor Eberle, Deputy Mayor Grippo, Ms. Barrier, Mr. Chivukula, Mr. Levine, Mr. Mazzola, Mr. McKenzie, Mr. Mettler, Mr. Sumter

Absent: No One

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

COMMENDATION - CHANDRAKANT DESAI - NEW JERSEY POETRY SOCIETY, INC. AWARD

Read by

BE IT KNOWN THAT I, SHIRLEY EBERLE, MAYOR of the Township of Franklin in the County of Somerset, State of New Jersey on behalf of the Township Council and all the residents of the Township of Franklin do hereby commend

CHANDRAKANT DESAI

resident and recipient of Second Place Award from the

NEW JERSEY POETRY SOCIETY, INCORPORATED

for his Poem

"THY TALLEST LOVELY PEAK"

Commendation was presented by Mayor Eberle and Councilman Chivukula. Mr. Desai recited his poem, "New Jersey State Song".

COMMENDATION - JOHN GRAHAM - RECYCLING ACTIVIST

Read by Mayor Eberle

BE IT KNOWN THAT I, SHIRLEY EBERLE, MAYOR of the Township of Franklin in the County of Somerset, State of New Jersey on behalf of the Township Council and all the residents of the Township of Franklin do hereby commend

JOHN GRAHAM

resident of the Township of Franklin and

RECYCLING ACTIVIST

for his extraordinary efforts to insure that all recyclable items within his scope of responsibility are properly collected, handled and recycled to the benefit of environment and ecology of the Township of Franklin.

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The commendation will be forwarded to Mr. Graham who was not present at the meeting.

COMMENDATION - COMMITTEE/COMMISSION MEMBERS WHOSE TERMS EXPIRED 12/31/01

Read by Mayor Eberle

I, SHIRLEY EBERLE, MAYOR OF THE TOWNSHIP OF FRANKLIN IN THE COUNTY OF SOMERSET AND STATE OF NEW JERSEY do hereby extend to the following individuals, whose terms of appointment expired on December 31, 2001 and January 30, 2002 the appreciation and commendation of the Township Council for the time and effort they have dedicated to the betterment of the community by serving on the various board, commissions, and committees of the Township of Franklin:

PLANNING BOARD

Keith Dewey

BOARD OF ADJUSTMENT

Anthony Denning

HUMAN RELATIONS COMMISSION

Dennis Krakow
Nat Kucsma
Leah Marden

RECREATION COUNCIL

Thomas Kuhn
Peggy Redd
Gary Thompson
Judith Fitzpatrick
Michael Purzycki
Caitlin Morecraft

ENVIRONMENTAL COMMISSION

David Brook

SENIOR ADVISORY COMMITTEE

Gloria Parker
Marlene McCollum
Thomas Kuhn
Frances Varga
Upendra Chivukula

HISTORIC PRESERVATION COMMISSION

Walter Maros

REDEVELOPMENT AGENCY-RENAISSANCE 2000

James Walker

OPEN SPACE ADVISORY COMMISSION

David Brook
John Grosso

SEWERAGE AUTHORITY

Harry Van Houten (Posthumously)

Commendations will be forwarded to each recipient by the Township Clerk.

COMMUTER BICYCLE ADVOCATE PLAQUE

Mayor Eberle noted receipt by the Township of a Plaque from Ridewise 2001, Bicycle Commuting Advocate which will be displayed in the Council's Office.

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MINUTES - WORK SESSION 1/22/02; REGULAR MEETING 1/22/02; EXECUTIVE SESSION 1/22/02

Motion was made by Deputy Mayor Grippo and seconded by Mr. Chivukula to approve the aforementioned Work Session, Regular Meeting and Executive Session Minutes of January 22, 2002. Motion was carried unanimously by those members of Council present at those meetings.

WARRANTS - FEBRUARY 12, 2002

Read by Township Clerk Pellicane

1	Current Fund	15,484,505.40
5	Water Operating	254,558.78
6	Water Capital	68,162.38
4	General Capital	56,846.87
15	General Trust	125,625.89
18	Self Insurance Trust Fund	1,000.00
21	Recreation Trust	3,764.77
12	Open Space Trust	6,370.17
2	Grant Fund	12,432.52
17	Workers' Compensation	1,757.00
	Unemployment Trust	0
	Employee Payroll Deduction	0
3	Collector Trust	11,185.25
14	Dog Revenue	85.20
	Community Foundation	0
22	General Ledger: Current	245,869.79
13	Redevelopment Agency	3,494.13
23	Agency	0
	SUB-TOTAL	16,275,658.15
25	Escrow Account	45,071.25
19	Voided Checks	0
20	Adjustments	0
	GRAND TOTAL	<u>\$16,320,729.40</u>

Motion was made by Mr. Mazzola and seconded by Mr. Sumter to approve the Warrants. 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		
Mayor Eberle	Mr. McKenzie		<u>ABSENT</u>
Mr. Grippo	Mr. Mettler		
	Mr. Sumter	No One	

Motion was carried.

ORDINANCE HEARING - AMEND CODE - CHAPTER 112, DEVELOPMENT - SECTION 112-9B(25), SUBSECTION (3), LOCATIONS WHERE WIRELESS COMMUNICATION ANTENNAS ARE PERMITTED, PARAGRAPH (2), SECOND PRIORITY LOCATIONS AND (3), THIRD PRIORITY LOCATIONS

Mr. Mazzola noted that the Planning Board is reviewing the subject ordinance but has not yet completed its review. Mr. Mazzola moved to carry the public hearing on this ordinance to February 26, 2002 to permit time for the Planning Board to report.

Deputy Mayor Grippo seconded the motion. Township Clerk Pellicane polled the Board, the vote being as follows:

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

Motion was carried.

ORDINANCE HEARING - AMEND CODE - CHAPTER 112, DEVELOPMENT SECTION - 112-26C(1)A - ENGINEERING FEES FOR RESIDENTIAL DEVELOPMENT; SECTION 112-29, ESCROW DEPOSITS (SINGLE LOT RESIDENTIAL APPLICATIONS FOR ONE DWELLING)

Mr. Mazzola noted that the Planning Board is reviewing the subject ordinance but has not yet completed its review. Mr. Mazzola moved to carry the public hearing on this ordinance to February 26, 2002 to permit time for the Planning Board to report.

Deputy Mayor Grippo 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		
Mayor Eberle	Mr. McKenzie		<u>ABSENT</u>
Mr. Grippo	Mr. Mettler		
	Mr. Sumter		No One

Motion was carried.

ORDINANCE HEARING - LEASE - CAPITAL EQUIPMENT FROM THE SOMERSET COUNTY IMPROVEMENT AUTHORITY

Council was advised that the ordinance authorizing the lease of capital equipment from the Somerset County Improvement Authority requires adoption procedures the same as a bond ordinance. The introduced ordinance was published by summary rather than in full and the ordinance must be reintroduced and published. Introduction appears on the agenda as Item 23.

Mr. Mazzola moved to defeat the introduced ordinance. 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>
Ms. Barrier	Mr. Levine	No One	No One
Mr. Chivukula	Mr. Mazzola		
Mayor Eberle	Mr. McKenzie		<u>ABSENT</u>
Mr. Grippo	Mr. Mettler		
	Mr. Sumter		No One

Motion was carried.

ORDINANCE HEARING -AMEND CODE, CHAPTER 47, POLICE DEPARTMENT - POLICY ON SUSPENSION OF POLICE OFFICERS

Township Clerk Pellicane read by title:

"AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 47, POLICE DEPARTMENT - SECTION 47-14, SUSPENSION AND REMOVAL OF MEMBERS". Township Clerk Pellicane noted that the

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Township Attorney has approved the Affidavit of Publication and that a public hearing on the ordinance is in order.

Motion was made by Mr. Chivukula and seconded by Deputy Mayor Grippo to open the public hearing; the motion was carried unanimously.

The Mayor then asked for persons desiring to speak to give their names and addresses to the Clerk.

No one from the public spoke.

Motion was made by Deputy Mayor Grippo and seconded by Mr. Chivukula to close the public hearing; motion was carried unanimously.

Motion was made by Deputy Mayor Grippo and seconded by Mr. Mazzola to adopt and publish notice of final passage in accordance with law.

The 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		
Mayor Eberle	Mr. McKenzie		<u>ABSENT</u>
Mr. Grippo	Mr. Mettler		
	Mr. Sumter	No One	

Motion was carried.

ORDINANCE HEARING –AMEND CODE - CHAPTER 44, PERSONNEL POLICIES - SECTION 44-10, EMPLOYMENT BENEFITS, SUBSECTION F, HOLIDAYS - ADD LABOR DAY

Township Clerk Pellicane read by title:

"AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 44, PERSONNEL POLICIES - SECTION 44-10, EMPLOYMENT BENEFITS - SUBSECTION F, HOLIDAYS". Township Clerk Pellicane noted that the Township Attorney has approved the Affidavit of Publication and that a public hearing on the ordinance is in order.

Motion was made by Mr. Chivukula and seconded by Mr. Mettler to open the public hearing; the motion was carried unanimously.

The Mayor then asked for persons desiring to speak to give their names and addresses to the Clerk.

No one from the public spoke.

Motion was made by Mr. Chivukula and seconded by Mr. Mettler to close the public hearing; motion was carried unanimously.

Motion was made by Mr. Chivukula and seconded by Mr. Mazzola to adopt and publish notice of final passage in accordance with law.

The Clerk polled the Board, the vote being as follows:

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

Motion was carried.

ORDINANCE HEARING –AUTHORIZE LEASE - TRAP ROCK INDUSTRIES, INC. - COMMUNICATIONS ANTENNA/TRANSMISSION LINE & RECEIVING EQUIPMENT

Township Clerk Pellicane read by title:

"AN ORDINANCE AUTHORIZING A LEASE AMENDMENT FOR CERTAIN PREMISES OWNED BY TRAP ROCK INDUSTRIES, INCORPORATED TO THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET AND STATE OF NEW JERSEY FOR THE INSTALLATION OF COMMUNICATIONS ANTENNA AND TRANSMISSION LINE/RECEIVING EQUIPMENT". Township Clerk Pellicane noted that the Township Attorney has approved the Affidavit of Publication and that a public hearing on the ordinance is in order.

Motion was made by Mr. Chivukula and seconded by Mr. Mettler to open the public hearing; the motion was carried unanimously.

The Mayor then asked for persons desiring to speak to give their names and addresses to the Clerk.

No one from the public spoke.

Motion was made by Mr. Chivukula and seconded by Mr. Mettler to close the public hearing; motion was carried unanimously.

Motion was made by Mr. Chivukula and seconded by Mr. Mettler to adopt and publish notice of final passage in accordance with law.

The 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		
Mayor Eberle	Mr. McKenzie		<u>ABSENT</u>
Mr. Grippo	Mr. Mettler		
	Mr. Sumter		No One

Motion was carried.

ORDINANCE HEARING –ACCEPT DEDICATION - COMMERCE BANK NA - BEEKMAN ROAD AT ITS INTERSECTION WITH STATE HIGHWAY 27

Township Clerk Pellicane read by title:

"AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY AUTHORIZING ACCEPTANCE FROM COMMERCE BANK N.A. - ROAD DEDICATION - BEEKMAN ROAD AT ITS INTERSECTION WITH NJ STATE HIGHWAY 27". Township Clerk Pellicane noted that the Township Attorney has approved the Affidavit of Publication and that a public hearing on the ordinance is in order.

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Motion was made by Deputy Mayor Grippo and seconded by Ms. Barrier to open the public hearing; the motion was carried unanimously.

The Mayor then asked for persons desiring to speak to give their names and addresses to the Clerk.

No one from the public spoke.

Motion was made by Deputy Mayor Grippo and seconded by Mr. Mettler to close the public hearing; motion was carried unanimously.

Motion was made by Mayor Eberle and seconded by Mr. Mettler to adopt and publish notice of final passage in accordance with law.

The 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		
Mayor Eberle	Mr. McKenzie		<u>ABSENT</u>
Mr. Grippo	Mr. Mettler		
	Mr. Sumter		No One

Motion was carried.

ORDINANCE HEARING –AMEND CODE - ADD CHAPTER, JOINT ADVISORY COMMITTEE FOR THE VILLAGE OF KINGSTON

Township Clerk Pellicane read by title:

"AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY MORE PARTICULARLY ADDING A NEW CHAPTER 29, JOINT TOWNSHIP ADVISORY COMMITTEE/VILLAGE OF KINGSTON". Township Clerk Pellicane noted that the Township Attorney has approved the Affidavit of Publication and that a public hearing on the ordinance is in order.

Motion was made by Deputy Mayor Grippo and seconded by Mr. Mettler to open the public hearing; the motion was carried unanimously.

The Mayor then asked for persons desiring to speak to give their names and addresses to the Clerk.

No one from the public spoke.

Motion was made by Mr. Mettler and seconded by Ms. Barrier to close the public hearing; motion was carried unanimously.

Motion was made by Mr. Mettler and seconded by Ms. Barrier to adopt and publish notice of final passage in accordance with law.

The 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		
Mayor Eberle	Mr. McKenzie		<u>ABSENT</u>
Mr. Grippo	Mr. Mettler		
	Mr. Sumter		No One

Motion was carried.

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ORDINANCE HEARING –AMEND CODE - CHAPTER 226, VEHICLES & TRAFFIC - ELIMINATE PARKING ON JFK SERVICE ROADS

Township Clerk Pellicane read by title:

"AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY MORE PARTICULARLY CHAPTER 226, VEHICLES & TRAFFIC - SECTION 226-13, PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS (JFK FRONTAGE ROADS)". Township Clerk Pellicane noted that the Township Attorney has approved the Affidavit of Publication and that a public hearing on the ordinance is in order.

Motion was made by Deputy Mayor Grippo and seconded by Mr. Mazzola to open the public hearing; the motion was carried unanimously.

The Mayor then asked for persons desiring to speak to give their names and addresses to the Clerk.

Edward Menendez, 163 JFK Boulevard, noting his engineering background, refuted the information that an emergency vehicle would be unable to traverse the JFK Boulevard frontage roads if cars were parked on both sides and noted his concerns about the safety and convenience of guests invited to his home for parties.

Motion was made by Deputy Mayor Grippo and seconded by Mr. Sumter to close the public hearing; motion was carried unanimously.

Township Manager Daly advised that the concerns deal with the need for fire trucks to operate within the frontage road but, for special events such as parties, residents can contact the Chief of Police who has the right to waive no parking regulations under special conditions. In such eventuality, the Chief of Police would consider the validity of the request and, if granted, advise the emergency services of the waiver. Mr. Menendez advised that the offered solution is acceptable.

Mr. Grippo requested that the Township Manager provide Mr. Menendez with a letter explaining the waiver contingency. There was discussion as to whether such letter should be sent to Mr. Menendez only, all residents of the JFK frontage roads or all residents of the Township. Mr. Grippo withdrew his request.

Motion was made by Deputy Mayor Grippo and seconded by Mr. Sumter to adopt and publish notice of final passage in accordance with law.

The 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		
Mayor Eberle	Mr. McKenzie		<u>ABSENT</u>
Mr. Grippo	Mr. Mettler		
	Mr. Sumter	No One	

Motion was carried.

ORDINANCE HEARING - AMEND CODE - CHAPTER 226, VEHICLES & TRAFFIC - DELETE ON-STREET PARKING SPACE - 134 VICTOR 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

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STREET HANDICAPPED PARKING SPACE (DELETE 134 VICTOR STREET".
 Township Clerk Pellicane noted that the Township Attorney has approved the Affidavit of Publication and that a public hearing on the ordinance is in order.

Motion was made by Mr. Mazzola and seconded by Mr. Chivukula to open the public hearing; the motion was carried unanimously.

The Mayor then asked for persons desiring to speak to give their names and addresses to the Clerk.

No one from the public spoke.

Motion was made by Mr. Mazzola and seconded by Mr. Chivukula to close the public hearing; motion was carried unanimously.

Motion was made by Mr. Mazzola and seconded by Mr. Chivukula to adopt and publish notice of final passage in accordance with law.

The 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		
Mayor Eberle	Mr. McKenzie		<u>ABSENT</u>
Mr. Grippo	Mr. Mettler		
	Mr. Sumter	No One	

Motion was carried.

PUBLIC DISCUSSION

Motion was made by Mr. Mazzola and seconded by Mr. Chivukula to open the meeting for public discussion.

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

The following residents spoke in support of the Middlebush Park: Matthew Perry, President of Franklin Township Pop Warner Football Association and member of the Township Recreation Council; Florence Van Pelt, Township Recreation Council; Liadi Bello-Osagie, 8 Concord Drive; Linda Smith, Township Recreation Council and Recreation Facilities Subcommittee; John Clyde, 18 Sweetbriar Road; John Grosso, 61 Hollywood Avenue; Victor Zeckman, 5 Zeller Drive; Heidi Kiernan, 3 Abbot Road, Township Recreation Council; Harold Leventhal, 360 DeMott Lane; and noted:

1. Need for many additional athletic fields within the Township to serve for football, baseball and soccer programs.
2. Ultimate development within Middlebush Park of six athletic fields, amphitheater for use by all sport programs, walking trails, bathroom facilities; future development of pool, ice skating rink, lighting for fields, skate park.
3. Inadequacy of condition and availability of Township facilities for visiting teams and tournaments.
4. Use of lighted athletic fields after youth programs for adult programs as a fundraising method.
5. Need for school athletic facilities to be available after school hours.

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Ed Stanley, student and member of Pop Warner Football, commended athletic coaches and staff for mentoring in school work and teaching discipline and respect to participants.

Bill Csaszar, 10 Dutch Road spoke to reference to sewerage backups occurring at his home, filming of the sewerage line which indicates defects in the pipe, failure of the Township to properly inspect the sewerage line when the house was constructed and Township responsibility to correct the problem from the house to the curb/Sewerage Authority responsibility to correct the problem from the curb to the line in the street. Township Manager Daly advised that this situation has been researched extensively in the past, and he will provide copies to Council.

Ted & Susan Wright, Old Bridge Township and applicants for minor subdivision on Berger Street, spoke in reference to;

1. The length of time used by the Township staff finalizing the approval of their minor subdivision and their resulting potential inability to file the subdivision within the time frame required by statute.
2. The requirement that they post a \$2,000 escrow with the Township and the insufficient time allowed to post the escrow.
3. Lack of staff personnel to answer questions when the Planning Board secretary is absent.

Township Attorney Rainone responded that the deadline for filing a minor subdivision is set by State statute - not the Township. The issue of the amount of time taken to finalize the subdivision by staff can be addressed by the Township Manager. Township Manager Daly advised that staff has been looking at revisions to the planning process to resolve these issues and that the ordinance carried this evening will eliminate the escrow requirements for subdivisions such as the Wrights.

Clifford Gold, CG Engineers, requested discussion of Item T on Consent Agenda (Professional Service Agreement - Van Cleef Engineering - Easton Farms drainage, curbs and overlay design - \$140,607.00). Township Attorney Rainone responded that the discussion of this professional service agreement with Mr. Gold would not be appropriate unless that right is given to every professional who submitted a proposal. Township Manager Daly advised that the proposals, recommendation from Capital Projects Engineer Jim Pettit and letter from Mr. Gold were reviewed by the Financial Oversight Subcommittee, and the resolution on the agenda reflects the Subcommittee's recommendation. Council questioned if this matter can be discussed in Executive Session as a contract negotiation. Township Attorney Rainone responded that Council can discuss the matter in Executive Session but not with Mr. Gold. Council determined to remove this item from the Consent Agenda and discuss privately in Executive Session.

Bill Mundt, 37 South Middlebush Road spoke in reference to the need for Council action on the Orth-Rodgers Study and Middlebush By-Pass.

Lucretia Cortelyou, 1892 Amwell Road:

1. Expressed her approval of Council action to defer the Middlebush By-Pass pending completion of localized improvements needed with or without the By-Pass;
2. Expressed her approval of Planning Board concerns for about churches in residential areas;
3. Expressed concern with the payment of more taxes by residential property owners than commercial/industrial property owners;
4. Expressed concern with the proliferation of traffic signals on many roads;
5. Reported an increase in larger tractor trailers on local roads.

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Michael Orsini, 24 Nepote Place, Chair of the Shade Tree Commission:

1. Thanked Township Manager Daly and Councilmembers Grippo & Chivukula for convincing Council to appoint the Commission before drafting a new ordinance.
2. Thanked Grant Coordinator Bonnie von Ohlen, and Director of Public Works Andrew Twiford for their efforts during the period of time when there was no Commission and for the grants the Commission has received.
3. Noted that the Commission membership was selected for its expertise and is proceeding with replacement of dead trees along John F. Kennedy Boulevard, an inventory of trees in parks and open space areas, coordination with the Veterans' Memorial Committee to sell trees dedicated to veterans as part of the Memorial celebration, provide for the reforestation of Dunham-Lebed Park including planting of trees along its boundary with private residential dwellings, and preparations for Arbor Day and Earth Day celebrations in conjunction with the Bunker Hill Environmental Center.
4. Noted 70 elm trees received through a grant which will be available for sale at the Bunker Hill Environmental Center with proceeds to be used to pay for wetland restoration at the Center and that the Commission will be seeking Council resolutions to dedicate by rider the funds received from the sale of the elms and to permit the Commission to accept donations.
5. Thanked Computer Administrator Michael Gallagher for his assistance with the Commission's website.
6. Noted that the Commission will be requesting the Township Council to adopt an ordinance requiring contractors for utility companies who cut/prune trees along utility lines to notify the Township Clerk of the work to be done and to require that the work be done in conjunction with best practices. No fee is proposed with this notification procedure.

John Grosso, 61 Hollywood Avenue:

1. Questioned the means of funding the Franklin Boulevard and Henry Street improvements being authorized by Item 22 on the agenda. Township Manager Daly responded that the funding will be provided by grants, with some engineering costs borne by the Township, but an ordinance incurring the debt is required in order to accept the grant. The areas were selected based upon their eligibility for grant funding.
2. Noted the need for a sidewalk policy and ordinance for the Township.
3. Questioned the Consent Agenda Items dealing with funding of automobile repair and what vehicles incur the most damage. Township Manager Daly responded that the resolutions add \$10,000 to the \$15,000 previously allocated for repairs during 2000 & 2001 and provide \$25,000.00 for 2002 & 2003. Since police cars are on the road 24 hours a day/7 days a week and sometimes involved in high speed pursuits, they incur the most damage. Most of these costs, however, are covered and reimbursed by insurance coverage.
4. Questioned the grant application for sidewalks along Laurel Avenue which is a County road and if the proposal includes the installation of curbing. Township Manager Daly responded that while Laurel Avenue is a county road, the County does not install sidewalks. The proposal is to provide sidewalks from Route 27 in the Village of Kingston to the new location of the Rockingham Museum. The residents declined to have curbing installed as part of the project because of safety concerns caused by the narrowness of the road.

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5. Questioned the scope of improvements to be included in the Easton Farms drainage project. Township Manager Daly advised that the professional service agreement provides for engineering services and includes drainage, overlay and curbing but no sidewalks. The agreement does not include construction or method of paying for the improvements after installed.
6. Questioned if the engineering services authorized by Consent Agenda Item W for a Green Acres Survey can be done in-house by staff. Township Manager Daly responded that the project involves 80 acres to be subdivided from 100 acres and cannot be handled by staff.

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

ORDINANCE INTRODUCTION – AMEND CODE – CHAPTER 226, VEHICLES & TRAFFIC – THROUGH STREETS & STOP/YIELD INTERSECTIONS – RIDGE BOULEVARD, STOCKSON AVENUE, SUNSET AVENUE/BRENTWOOD BOULEVARD, FOREST AVENUE/BRENTWOOD BOULEVARD

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 & TRAFFIC - SECTION 226-19, THROUGH STREETS (ADD RIDGE BOULEVARD & STOCKTON AVENUE) - SECTION 226-20, STOP INTERSECTIONS (FOREST AVENUE & BRENTWOOD BOULEVARD, BOTH DIRECTIONS, SUNSET AVENUE & BRENTWOOD BOULEVARD, BOTH DIRECTIONS) – SECTION 226-21, YIELD INTERSECTIONS (FOREST AVENUE & BRENTWOOD BOULEVARD, EASTBOUND)" which is presented to Council for adoption on first reading, posting, publication in accordance with law for public hearing on March 12, 2002.

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		
Mayor Eberle	Mr. McKenzie		<u>ABSENT</u>
Mr. Grippo	Mr. Mettler		
	Mr. Sumter	No One	

Motion was carried.

ORDINANCE INTRODUCTION - ACCEPTANCE OF ADDITIONAL RIGHT OF WAY WIDTH – SCHOOLHOUSE ROAD – NORMAN J. & JANE FISHER – BLOCK 514/ LOT 6

Township Clerk Pellicane read by title:

"AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, AUTHORIZING ACCEPTANCE OF ADDITIONAL RIGHT OF WAY WIDTH - SCHOOLHOUSE ROAD - NORMAN R. & JANE FISHER - BLOCK 514/LOT 6" which is presented to Council for adoption on first reading, posting, publication in accordance with law for public hearing on March 12, 2002.

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

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

Motion was carried.

ORDINANCE INTRODUCTION – VACATE ABANDONED PORTIONS OF MATILDA AVENUE WEST AND STOTHOFF STREET

Township Clerk Pellicane read by title:

"AN ORDINANCE RELEASING, EXTINGUISHING AND VACATING THE RIGHTS OF THE PUBLIC IN PORTIONS OF STREETS KNOWN AS MATILDA AVENUE WEST AND STOTHOFF STREET IN THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY" which is presented to Council for adoption on first reading, posting, publication in accordance with law for public hearing on March 12, 2002.

Mr. Chivukula so moved. Mr. Sumter 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		
Mayor Eberle	Mr. McKenzie		<u>ABSENT</u>
Mr. Grippo	Mr. Mettler		
	Mr. Sumter		No One

Motion was carried.

ORDINANCE INTRODUCTION – BOND ORDINANCE – FRANKLIN BOULEVARD SIDEWALKS & HENRY STREET CURBS, SIDEWALK REPAIRS AND OVERLAY DESIGN - \$152,500.00

Township Clerk Pellicane read by title:

"BOND ORDINANCE PROVIDING FOR THE REPLACEMENT OF SIDEWALKS AND CURBS, AS REQUIRED, IN AND BY THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$152,500 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$28,525 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF" which is presented to Council for adoption on first reading, posting, publication in accordance with law for public hearing on March 12, 2002.

Mr. Mazzola so moved. Ms. Barrier 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		
Mayor Eberle	Mr. McKenzie		<u>ABSENT</u>
Mr. Grippo	Mr. Mettler		
	Mr. Sumter		No One

Motion was carried.

REGULAR MEETING - FEBRUARY 12, 2002**ORDINANCE INTRODUCTION – LEASE – CAPITAL EQUIPMENT FROM THE SOMERSET COUNTY IMPROVEMENT AUTHORITY**

Township Clerk Pellicane read by title:

"ORDINANCE AUTHORIZING THE LEASE OF CERTAIN CAPITAL EQUIPMENT BY THE TOWNSHIP OF FRANKLIN, NEW JERSEY FROM THE SOMERSET COUNTY IMPROVEMENT AUTHORITY AND THE EXECUTION OF A LEASE AND AGREEMENT RELATING THERETO" which is presented to Council for adoption on first reading, posting, publication in accordance with law for public hearing on February 26, 2002.

Mr. Mazzola so moved. Ms. Barrier 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		
Mayor Eberle	Mr. McKenzie		<u>ABSENT</u>
Mr. Grippo	Mr. Mettler		
	Mr. Sumter	No One	

Motion was carried.

CONSENT AGENDA

Deputy Mayor Grippo moved to remove Item T (Professional Services Agreement - Van Cleef Engineering - Easton Farms Drainage, Curbs and Overlay Design - \$140,607.00) from the Consent Agenda and refer this item for discussion in Executive Session and separate action in public section thereafter. Mr. Mazzola seconded the motion; motion was carried unanimously.

Consent Agenda:

A. Tax Title Lien Redemptions:

Charter One – Block 34.06/ot 16.05 C0157 - \$222.08 – 61 Amberly Court
 Gutierrez – Block 197/Lot 2.01 - \$116.21 – 28 Highland Avenue
 Goetz – Block 267/Lot 17 - \$6,128.28 – 138 Dayton Avenue
 Foster – Block 339/Lot 12 - \$345.25 – 39 Lebed Drive
 Manning – Block 344/Lot 11 - \$3,248.88 – 141 Farrel St (2000)
 Manning – Block 344/Lot 11 - \$231.70 – 141 Farrel St (2001)
 Fulginiti – Block 386.11/Lot 6 - \$329.83 – 6 Driftwood Drive
 Abraham – Block 468.02/Lot 2.01 - \$305.06 – 8 Angel Place (2000)
 Abraham – Block 468.02/Lot 2.01 - \$257.96 – 8 Angel Place (2001)

B. Budget – FY2002 Insertion in Budget – Public Health Priority Funding - \$18,622.00

C. Budget – FY2002 Text/Title Amendment – Public Health Priority Funding - \$5,000.00

D. Bid Award – Maaco Auto Painting – Repair of Township-owned Vehicles – 3/1/02 to 2/29/04 - \$25,000.00

E. Purchase – International Fireworks – 4th of July Celebration - \$10,000.00 – Section 3-13

F. Contract Amendment – Wire Communications (formerly Revalski Electronics) – Maintenance of Police Radios – 2/1/02 to 3/31/02 - \$1,937.00 per month/\$3,874.00

REGULAR MEETING - FEBRUARY 12, 2002

- G. Contract Amendment – Maaco Auto Painting – Repair of Township-owned Vehicles – 3/1/00 to 2/28/02 – Additional 10,000.00
- H. Contract Amendment – A. D. Marble & Co. – Survey of Historic Houses – Additional \$918.75
- I. Contract Amendment – Buist, Inc – Maintenance of Public Safety Building HVAC - \$10,000.00
- J. Escrow Release – Inspection Fees:
 Pillar of Fire (Soccer Fields) – Docket #200067P - \$325.00
 RD Management (Somerset JAM LLC) – Docket #99042PD - \$272.50
- K. Escrow Release – Plan Review Escrow:
 Crest Property Management (Matzel Investments) – Docket #ZBA2001-2002 - \$9,446.25
- L. Performance Guarantee Release – Somerset JAM LLC – Docket #99042PD - \$81,390.84
- M. Authorize Reimbursement to New Jersey Transit – Training Costs for Police Officer Ordel Taylor - \$12,012.16
- N. Grant Application – NJDOT Transportation Enhancement Grant Program
 Acquisition of Franklin Inn - \$275,000.00
 Laurel Avenue Sidewalks/Kingston - \$200,000.00
- O. Grant Application – NJDEP/Office of Natural Lands Management Recreation Trail Program:
 Restoration of existing trails at Environmental Center - \$9,300.00
 Planning trail locations for Township Open Space - \$4,700.00
 Trail Improvements - \$5,000.00
 Parking Lot Construction - \$10,000.00
 Signs/Posts (Princeton Highlands Open Space) - \$2,250.00
- P. Authorize Raffle/Bingo Licenses
- ~~Q. Participation of Lower Raritan Watershed Management Group~~
- R. Professional Service Agreement – Dr. Rohini Jobanputra – Health Clinics for Child Health, Family Planning and Flu – 1/2/02 to 12/31/02 - \$14,850.00
- S. Professional Service Agreement – Keller & Kirkpatrick – Study/Design of Franklin Park Storm Drainage Project - \$48,900.00
- T. REMOVED FROM CONSENT AGENDA FOR SEPARATE CONSIDERATION AFTER EXECUTIVE SESSION
- ~~U. Professional Service Agreement – CME Associates – Franklin Boulevard Sidewalk Design – \$11,560.00~~
- ~~V. Professional Service Agreement – Keller & Kirkpatrick – Design of Henry Street Curbs, Sidewalk Repairs & Overlay Design \$10,790.00~~
- W. Professional Service Agreement – The Reynolds Group – Engineering Services – Green Acres Survey – Block 85/Lots 20,65, 67 & 11.01 - \$29,900.00
- X. Temporary Easement License – Bette Nizilak – Temporary Mobile on Township-owned paper street adjacent to fire site at 324 Elizabeth Avenue

REGULAR MEETING - FEBRUARY 12, 2002THE FOLLOWING ARE THE ITEMS OF THE CONSENT AGENDA:A. 02-066 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 8, 2000	34.06/16.05 C0157	CHARTER ONE 2812 Emerywood Parkway Richmond VA 23294 (61 Amberly Court)	\$ 222.08
PAID:	January 9, 2002	CERT #20-14	
LIENHOLDER:	Frank E. Bachkai 2 Gleneagles Drive Lebanon NJ 08833		
June 7, 2001	197/2.01	GUTIERREZ, EDISSON & G. 28 Highland Avenue Somerset NJ 08873	116.21
PAID:	January 24, 2002	CERT #01-96	
LIENHOLDER:	Mooring Tax Asset Group PO Box 281856 Atlanta GA 30384-1856		
June 7, 2001	267/17	GOETZ, JOHN W. 138 Dayton Avenue Somerset NJ 08873	6,128.28
PAID:	January 18, 2002	CERT #01-201	
LIENHOLDER:	Plymouth Financial Company PO Box 2288 Morristown NJ 07962-2288		
June 8, 2000	339/12	FOSTER, GREG R. & LAURIE 39 Lebed Drive Somerset NJ 08873	345.25
PAID:	January 23, 2002	CERT #20-148	
LIENHOLDER:	Mooring Tax Asset Group PO Box 281856 Atlanta GA 30384-1856		
June 8, 2000 June 7, 2001	344/11	MANNING, PAUL & BARBARA 150 Hillside Avenue Piscataway NJ 08854 (141 Farrell Street)	3,248.88 231.70
PAID:	January 25, 2002	CERT #20-33	
LIENHOLDER:	Julius Bader Trust A PO Box 877 Barnegate Light NJ 08006-0877		

REGULAR MEETING - FEBRUARY 12, 2002C. 02-068 RESOLUTION - CORRECTION TO FY02 BUDGET – PUBLIC HEALTH PRIORITY FUNDING GRANT - \$5,000.00

WHEREAS, NJS 40A:4-85 provides that the Director of the Division of Local Finance may, at the request of, or with the consent of the Governing Body of the County or Municipality, make such correction of the title, text or amount of an appropriation appearing in the budgets as may be necessary to make said item of appropriation available for the purpose of purposes required for the needs of any such County or Municipality;

NOW, THEREFORE, BE IT RESOLVED that in accordance with the provisions of NJS 40A:4-85, the Township of Franklin in the County of Somerset, State of New Jersey hereby request the Director of the Division of Local Finance to make the following corrections in the budget of the year FY01:

From: Matching Funds for Grants	\$5,000.00
To: Public Health Priority Funding	\$5,000.00

BE IT FURTHER RESOLVED that the foregoing correction is, in the opinion of the Governing Body, warranted and authorized by the statute above referred to, and is necessary for the orderly operation of the Township of Franklin, Somerset County for the reasons hereinafter set forth: **matching funds required for Public Health Priority Funding Grant.**

D. 02-69 RESOLUTION - AWARD BID - AUTO BODY REPAIR & REFINISHING - MAACO AUTO PAINTING - MARCH 1, 2002 TO FEBRUARY 29, 2004 - NOT TO EXCEED \$25,000.00

WHEREAS, a notice to bidders for the receipt of bids for Auto Body Repair and Refinishing for the period March 1, 2002 to February 29, 2004 was published in the Courier News on December 27, 2001 for receipt on January 17, 2002;

WHEREAS, the Chief Financial Officer has certified 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;

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

MAACO AUTO PAINTING
17-H Edgeboro Road
East Brunswick NJ 08816

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

BE IT FURTHER RESOLVED that continuation of the terms of this contract beyond June 30, 2002 is contingent upon availability of funds in the 2003 and 2004 FY Budgets, and in the event of unavailability of such funds, the Township of Franklin reserves the right to cancel this contract.

E. 02-070 RESOLUTION - AUTHORIZE PURCHASE UNDER BID THRESHOLD/ OVER \$8,500.00 - INTERNATIONAL FIREWORKS - FIREWORKS SHOW - AN AMOUNT NOT TO EXCEED \$10,000.00

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

VENDOR: INTERNATIONAL FIREWORKS
POB 6 Sycamore Road
Douglassville PA 19518

REGULAR MEETING - FEBRUARY 12, 2002

ITEMS: Fireworks Show for 4th of July Celebration

COST: \$10,000.00

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

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

F. 02-071 RESOLUTION - CONTRACT AMENDMENT – MAINTENANCE OF POLICE RADIO SYSTEM – WIRELESS COMMUNICATIONS (FORMERLY REVALSKI ELECTRONICS) - 2/1/02 TO 3/31/02 IN AN AMOUNT NOT TO EXCEED AN \$1,937 PER MONTH/\$3,874.00

WHEREAS, bids for the Maintenance of Police Radio System was awarded by resolution adopted February 1 2000 to Revalski Electronics (now known as Wireless Communications; and

WHEREAS, there is need to extend this month for the period beginning February 1, 2002 to March 31, 2002 and to add thereto the amount of \$1,937.00 per month for a total of \$3,874.00; and

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

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey that the following contract be amended:

**WIRELESS COMMUNICATIONS (FORMERLY REVALSKI ELECTRONICS)
748A Bound Brook Road Rt. 28
Middlesex, NJ 08846**

to extend the contract for the period February 1, 2002 to March 31, 2002 and to provide an additional \$3,874.00 therefor; 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 company.

G. 02-072 RESOLUTION - CONTRACT AMENDMENT - AUTOMOBILE BODY REPAIR & REFINISHING - SUMMCO, INCOPORATED d/b/a MAACO AUTO PAINTING & BODY WORKS - HOURLY RATE \$29.00/8% DISCOUNT ON PARTS - AN ADDITIONAL \$10,000.00

WHEREAS, bid for Automobile Body Repair and Refinishing for the period March 1, 2000 to February 28, 2001 was awarded by resolution adopted February 1, 2000 to Summco, Incorporated dba Maaco Painting and Auto Works and by resolution adopted March 13, 2001 to extend said contract for the one year period beginning March 1, 2001 to February 28, 2002, in the amount of \$15,000.00 per year; and

WHEREAS, there is need to amend this contract to provide an additional amount of \$10,000.00;

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

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

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

to provide an additional \$10,000.00 therefor; 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 company.

H. 02-073 RESOLUTION - AMEND AUTHORIZATION TO PURCHASE UNDER BID THRESHOLD/OVER \$8,500.00 – A.D. MARBLE & CO. – HISTORIC RESOURCE SURVEYS/ TWO HOUSES, CANAL ROAD AND OLD GEORGETOWN TURNPIKE - AN AMOUNT NOT TO EXCEED AN ADDITIONAL \$918.75

WHEREAS, by resolution adopted November 13, 2001 the following purchase under bid threshold/over \$8,500.00 was authorized

**VENDOR: A. D. MARBLE & CO.
919 Conestoga Road
Building 1, Suite 202
Rosmont, PA 19010**

**ITEMS: Historic Resource Research, Survey and Evaluation of two dwellings,
Canal Road and Old Georgetown Road**

COST: \$14,668.00; and

WHEREAS, there is need to amend said authorization to provide an additional \$918.75 therefor; and

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

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 an amended contract with the above named vendor to purchase the specified items at the additional cost of \$918.75.

I. 02-074 RESOLUTION - CONTRACT AMENDMENT – MAINTENANCE OF HVAC - PUBLIC SAFETY BUILDING - BUIST INCORPORATED - AN AMOUNT NOT TO EXCEED AN ADDITIONAL \$10,000.00

WHEREAS, bids for the Maintenance of HVAC System in the Public Safety Building was awarded by resolution adopted February 22, 2000 to Buist, Incorporated and extended for the one year period beginning March 1, 2001 to February 28, 2002 by resolution adopted January 23, 2001 in the amount of \$16,364.00 per year; and

WHEREAS, there is need to provide additional funding for this contract;

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

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey that the following contract be amended:

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BUIST INCORPORATED
26 Voorhees Avenue
Somerset NJ 08873

to provide an additional \$10,000.00 therefor; 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 company.

J. 02-075 RESOLUTION - RELEASE OF ESCROW MONIES – INSPECTION FEES - VARIOUS

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

WHEREAS, the projects have 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 applicants:

APPLICANT: RD MANAGEMENT CORPORATION
T/A SOMERSET JAM LLC
ADDRESS: 810 7th Avenue, 28th Floor
New York NJ 10019
DOCKET NO: P99042PD
BLOCK/LOT: 528.04/19.07
LOCATION: Campus Drive
AMOUNT DEPOSITED: \$2,000.00
AMOUNT CHARGED: 1,727.50
AMOUNT TO BE REFUNDED: \$ 272.50

APPLICANT: PILLAR OF FIRE - SOCCER FIELDS
ADDRESS: PO Box 9159
Zarephath NJ 08890
DOCKET NO: P2000067P
BLOCK/LOT: 516/3
LOCATION: Weston Canal road
AMOUNT DEPOSITED: \$500.00
AMOUNT CHARGED: 175.00
AMOUNT TO BE REFUNDED: \$325.00

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the 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.

K. 02-076 RESOLUTION - RELEASE OF PLAN REVIEW ESCROW - CREST PROPERTY MANAGEMENT (TUTOR TIME DAY CARE/MATZEL INVESTMENTS LLC) - \$9,446.25

WHEREAS, the Township Clerk of the Township of Franklin, County of Somerset and State of New Jersey, 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:

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APPLICANT: CREST PROPERTY MANAGEMENT (TUTOR TIME DAY CARE/MATZEL INVESTMENTS LLC)
ADDRESS: 1141 Route 35
 Ocean NJ 07712
DOCKET NO: ZBA20001-0002
BLOCK/LOT: 424.02/23.01
LOCATION: Cedar Grove Lane
AMOUNT DEPOSITED: \$12,500.00
AMOUNT CHARGED: 3,053.75
AMOUNT TO BE REFUNDED: \$ 9,446.25

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.

L. 02-077 RESOLUTION - PERFORMANCE GUARANTEE RELEASE - SOMERSET JAM LLC aka RD MANAGEMENT CORPORATION - DOCKET NO. P99042PD - \$81,390.84

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

ITEM: PERFORMANCE BOND
NAME OF APPLICANT: SOMERSET JAM LLC
 aka RD MANAGEMENT CORPORATION
ADDRESS OF APPLICANT: 810 7th Avenue, 28th Floor
 New York NY 10019
NUMBER: 0289198
INSURANCE CO./BANK: International Fidelity Insurance Company
IN THE AMOUNT OF: \$81,390.84

FOR: Site Improvements for Docket No. P99042PD - Block 528.04/Lot 19.07, Campus 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.

M. 02-078 RESOLUTION - AUTHORIZE REIMBURSEMENT TO NEW JERSEY TRANSIT - TRAINING COSTS FOR POLICE OFFICER ORDEL TAYLOR - \$12,012.16

BE IT AND IT IS HEREBY RESOLVED that the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey does hereby authorize the payment to New Jersey Transit, in accordance with NJSA 27:15.16, an amount of \$12,012.16 representing reimbursement to New Jersey Transit for training costs they expended for Ordel Taylor as an employee of New Jersey Transit and subsequently hired as a Police Officer for Franklin Township; and

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BE IT FURTHER RESOLVED that the Treasurer be and she is hereby authorized to issue a check to New Jersey Transit in payment of this amount.

N. 02-079 RESOLUTION - GRANT APPLICATION - NJDOT - TRANSPORTATION ENHANCEMENT GRANT PROGRAM - ACQUISITION OF FRANKLIN INN - \$275,000; LAUREL AVENUE SIDEWALKS - \$200,000.00

BE IT AND IT IS HEREBY RESOLVED That the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey does hereby authorize the filing of a Grant application for NJDOT Transportation Enhancement Grant Program for:

**Acquisition of the Franklin Inn - \$275,000.00
Laurel Avenue sidewalks in Kingston - \$200,000.00; and**

BE IT FURTHER RESOLVED That the appropriate Township officials are authorized to execute this Grant Application on behalf of the Township.

O. 02-080 RESOLUTION - GRANT APPLICATION - NJDEP OFFICE OF NATURAL LANDS MANAGEMENT RECREATION TRAIL PROGRAM - ENVIRONMENTAL CENTER; TOWNSHIP OPEN SPACE, PARKING LOT, SIGN/POSTS

BE IT AND IT IS HEREBY RESOLVED that the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey does hereby authorize the filing of a Grant Application for NJ DEP Office of Natural Lands Management Recreation Trail Program for

**Restoration of existing trails at the Environmental Center - \$9,300.00
Planning for trail locations on Township Open Space - \$4,700.00
Trail Improvements - \$5,000.00
Parking lot construction - \$10,000.00; and
Signs/Posts - \$2,250.00 for the Princeton Highlands project site; and**

BE IT FURTHER RESOLVED that the appropriate Township officials are authorized to execute this Grant Application on behalf of the Township.

P. 02-081 RESOLUTION - AUTHORIZE RAFFLE/BINGO

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

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

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

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

NAME OF ORGANIZATION

DATE OF RAFFLE/BINGO

**NEW JERSEY RIGHT TO LIFE COMMITTEE
49 ALDEN STREET, CRANFORD, NJ
OFF-PREMISE RAFFLE - RL#1336
DRAWING: HOLIDAY INN, SOMERSET**

**NOVEMBER 22, 2002
7:00 PM - 10:00 PM**

**ST. PETERS MEDICAL CENTER AUXILIARY
254 EASTON AVENUE, NEW BRUNSWICK, NJ
ON-PREMISE RAFFLE - RL#1337
DRAWING: DOUBLE TREE HOTEL, SOMERSET**

**MAY 29, 2002
9:00 PM**

REGULAR MEETING - FEBRUARY 12, 2002**Q. Removed from Agenda****R. 02-082 RESOLUTION - PROFESSIONAL SERVICE - DR. ROHINI JOBANPUTRA, MD - PHYSICIAN SERVICES - CHILD HEALTH CLINICS; FAMILY PLANNING CLINICS AND PAP & FLU CLINICS - \$150.00 PER CLINIC (99 CLINICS) - AN AMOUNT NOT TO EXCEED \$14,850.00**

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 certificate is in proper form; and

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

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

- (1) The Mayor and Township Clerk are hereby authorized and directed to execute the below referenced 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 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: DR. ROHINI JOBANPUTRA

**ADDRESS: 1982 Holland Brook Road
Branchburg NJ 08876**

CONTRACT AMOUNT: \$150.00 per clinic (99 clinics)/an amount not to exceed \$14,850.00

SERVICE: Health Services for the Franklin Township Health Department, to provide ninety-nine (99) Clinics - Child Health Clinics; Family Planning Clinics and Pap & Flu Clinics for the period January 1, 2002 to December 31, 2002.

REGULAR MEETING - FEBRUARY 12, 2002**S. 02-083 RESOLUTION - PROFESSIONAL SERVICE AGREEMENT – KELLER & KIRKPATRICK, INCORPORATED - FRANKLIN PARK STORM DRAINAGE PROJECT - STUDY & DESIGN - AN AMOUNT NOT TO EXCEED \$48,900.00**

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 certificate is in proper form; and

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

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

- (1) The Mayor and Township Clerk are hereby authorized and directed to execute the below referenced 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: KELLER & KIRKPATRICK, INC

ADDRESS: 900 LANIDEX PLAZA PARSIPPANY, NJ 07054

CONTRACT AMOUNT: An amount not to exceed \$48,900.00

SERVICE: Franklin Park Storm Drainage Project - Study & Design in accordance with a proposal dated October 26, 2001 on file with the Township Clerk and available for public inspection.

T. Removed from Agenda for separate consideration after Executive Session

U. Removed from Agenda

V. Removed from Agenda

REGULAR MEETING - FEBRUARY 12, 2002**W. 02-084 RESOLUTION - PROFESSIONAL SERVICE - THE REYNOLDS GROUP, INCORPORATED - SURVEYING SERVICES FOR BLOCK 85/LOTS 20, 65, 67 & 11.01 - AN AMOUNT NOT TO EXCEED \$29,900.00**

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: THE REYNOLDS GROUP, INCORPORATED

ADDRESS: 626 North Thompson Street Raritan NJ 08869

CONTRACT AMOUNT: Not to exceed \$29,900.00

SERVICE: Surveying Services for Block 85/Lots 20, 65, 67 & 11.01 in accordance with a January 29, 2002 proposal on file with the Township Clerk and available for public inspection.

X. 02-085 RESOLUTION - GRANT LICENSE FOR USE OF PORTION OF HALSEY STREET - TOWNSHIP OWNED UNIMPROVED ROAD - BETTE NIZILAK/AFTER DISASTER HOUSING CORP. - TEMPORARY MOBILE HOME PENDING REPAIR OF FIRE-DAMAGED DWELLING

WHEREAS, After Disaster Housing Corp. has requested permission to place a temporary mobile dwelling upon an unimproved Township right of way known as Halsey Street

REGULAR MEETING - FEBRUARY 12, 2002

as same abuts Lots 27-28 in Block 544 located at 324 Elizabeth Avenue pending repair of fire damage to the home at that location owned by Bette Nizilak; and

WHEREAS, the Township Council of the Township of Franklin has determined that the temporary placement of this mobile dwelling does not affect use of the public right of way and that the land upon which it will be located is not currently needed for Township purpose;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset, State of New Jersey that the Mayor and Township Clerk are hereby authorized to execute a temporary license agreement with After Disaster Housing Corp. to permit the placement of a mobile dwelling on the unimproved Township right of way described above for the period ending August 31, 2002; and

BE IT FURTHER RESOLVED that said license agreement shall provide that it may be terminated by the Township at any time upon ninety (90) days notice and furthermore, said agreement shall provide that the After Disaster Housing Corp. will indemnify defend and hold harmless the Township of Franklin from any and all claims brought as a result of placement of this mobile dwelling.

Motion was made by Deputy Mayor Grippo and seconded by Mr. Levine 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		
Mayor Eberle	Mr. McKenzie		<u>ABSENT</u>
Mr. Grippo	Mr. Mettler		
	Mr. Sumter	No One	

Motion was carried.

NOMINATIONS - ONE (1) ALTERNATE #2 MEMBER OF THE BOARD OF ADJUSTMENT - UNEXPIRED TERM OF DONALD JOHNSON, APPOINTED AS ALTERNATE #1 - 02/12/02 TO 12/31/02 (NOMINEE LIADI BELLO-OSAGIE)

Mr. Grippo nominated Laidi Bello-Osagie and noted that he will provide Mr. Osagie's resume to Council. Mr. Sumter seconded the nomination.

Mr. Chivukula and Mr. Levine requested that the appointment be deferred until the appointee's resume is received.

Mr. Chivukula moved to table this appointment; Ms. Barrier seconded the motion. The Clerk polled the Council on the motion to table, the vote being as follows: *Vote corrected 2/26/02

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

Motion was defeated.

Mr. Mazzola moved to appoint Liadi Bello-Osagie by unanimous acclamation. Mr. Sumter seconded the motion. A voice vote indicated abstaining votes by Councilmembers Levine, Chivukula & Barrier.

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There was discussion on the need for resumes prior to appointments, for all or certain positions. Deputy Mayor Grippo moved to have the Township Clerk seek resumes from all persons appointed at the January 1st reorganization meeting and the subsequent meetings.

Mr. Mazzola withdrew his motion to appoint Liadi Bello-Osagie by unanimous acclamation.

Township Clerk Pellicane polled the Council on the nomination of Liadi Bello-Osagie, the vote being as follows:

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

Township Clerk Pellicane declared Liadi Bello-Osagie appointed Alternate #2 Member of the Board of Adjustment.

Deputy Mayor Grippo withdrew his motion that resumes be sought for all appointments made thus far in 2002 and moved that resumes be provided for all future nominations. Mr. Sumter seconded the motion. Motion was carried unanimously.

Council discussed whether resumes should be required for all appointees, whether Council should consider the qualifications of all nominees as set forth in resumes or just nominees to boards which require specific expertise, and what information should be available to all members of Council on all nominees.

Deputy Mayor Grippo moved to direct the Township Clerk to prepare an application form for use by all persons interested in serving on a board or commission, providing the applicant's name, address, phone number and, at the applicant's discretion, his/her educational/work experience and qualifications. Ms. Barrier seconded the motion, noting that this procedure would also guarantee that appointees are interested in serving before appointments are made.

NOMINATIONS - ONE (1) COUNCIL LIAISON TO THE HISTORIC PRESERVATION COMMISSION - ONE (1) YEAR TERM - 02/12/02 TO 12/31/02

Deputy Mayor Grippo nominated Robert Mettler. Ms. Barrier seconded the nomination.

There being only one nomination for one position, nominations were closed and Robert Mettler was appointed by unanimous acclamation.

COUNCIL COMMENTS

Mr. Mettler requested that changes in the format of the tax bills can have political implications, that changes should be discussed by Council before being implemented and that the explanatory note included with the tax bills has created confusion for the County and the Board of Education. Township Manager Daly advised that the change in format, removal of the bar graph illustrating the tax structure, was done by the new computer company preparing our bills without our knowledge. This graph will be restored to the bill format for the future.

Ms. Barrier concurred with Mr. Mettler's comments.

Mr. Mazzola:

1. Acknowledged Abraham Lincoln's Birthday;
2. Noted his dismay with a copy of a news article from New Jersey Cops received in the packet portraying two Franklin police officers with assault weapons and body armor since police rely on community trust and use of military tactics by police is disturbing.

REGULAR MEETING - FEBRUARY 12, 2002

Mr. Levine concurred that the tax bill format needs to be rectified and that the explanatory note makes three misleading points:

1. That there was no increase in the municipal tax rate while the Township did spend more money and tax rate did increase.
2. That the Board of Education charged extra money to which they were not entitled.
3. That the County tax rate increased.

Additionally, the note did not reflect increases in fire district budget. The explanatory note warrants a correction and clarification.

Mr. Sumter:

1. Concurred with Mr. Mazzola's comments on the police news article.
2. Commended Council on the progress made at the February 10th Retreat.

Mr. Grippo:

1. Recused himself from any discussions on the tax bill explanatory note as it relates to the Board of Education.
2. Noted the impressive demonstration by the public in support of a recreation plan for Middlebush Park, noting that there is no desire to complete all the proposed improvements immediately but to continuing making progress in the future.

Mr. Chivukula noted the Governor's budget message indicating a \$2.9 million deficit. There will be cuts to the State budget, and municipalities must be prepared to answer taxpayers and balance municipal budgets.

Mr. McKenzie:

1. Noted the impressive demonstration by the public on our recreational needs to improve the quality of life for all citizens.
2. Expressed his concerns with the difficulties created for the Board of Education by the tax bill explanatory note.

Mayor Eberle:

1. Noted the impressive demonstration by the public on our recreational needs.
2. Concurred with concerns regarding the tax bill explanatory note.

2002 Meeting Calendar

Mayor Eberle noted that State Statute requires both local political parties to reorganize on the Tuesday following Primary Election. This creates a conflict with our meeting calendar and requested Council to change the date of our 1st regular meeting in June to Thursday, June 13th. Council concurred.

Deputy Mayor Grippo noted that in 2001, Council conducted one meeting at 8:00 a.m. to permit attendance by more senior citizens who do not drive at night and suggested that this 8:00 a.m. meeting be the 2nd regular meeting in June. It was noted that the various senior citizen clubs meet on Monday, Tuesday and Wednesday mornings, and to avoid a conflict, the 8:00 a.m. meeting should be held on a Thursday. Council concurred and determined to reschedule the June 25th meeting to June 27th at 8:00 a.m. in the Community/ Senior Center if available.

Council took a brief recess from 11:08 p.m. to 11:14 p.m., with all members returning.

REGULAR MEETING - FEBRUARY 12, 2002**RESOLUTION - MEETING NOT OPEN TO PUBLIC - NEW JERSEY OPEN PUBLIC MEETINGS ACT, NJSA 10:4-12****Read by**

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 -

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.

Contract Negotiations -

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.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, assembled in public session on this 12th day of February, 2002, that an Executive Session closed to the public shall be held on February 12, 2002, at 11:14 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;

This Resolution shall take effect immediately.

Motion was made by Deputy Mayor Grippo and seconded by Mr. Mazzola, motion was carried unanimously.

Council adjourned to Executive Session at 11:14 p.m. Meeting resumed with all members present at 11:43 p.m.

PROFESSIONAL SERVICES AGREEMENT - VAN CLEEF ENGINEERING - EASTON FARMS DRAINAGE CURBS AND OVERLAY DESIGN - \$140,607.00

Ms. Barrier moved to refer the resolution back to the Financial Oversight Subcommittee for further review of the Pettit recommendation and the letter received from CG Engineer. Deputy Mayor Grippo seconded the motion. Township Clerk Pellicane polled the Council on the motion, the vote being as follows:

REGULAR MEETING - FEBRUARY 12, 2002**AYES**

Ms. Barrier
 Mayor Eberle
 Mr. Grippo

AYES

Mr. Levine
 Mr. McKenzie
 Mr. Sumter

NAYS

Mr. Mazzola

ABSENT

No One

ABSTAIN

Mr. Chivukula
 Mr. Mettler

Motion was carried.

Mr. Grippo left the meeting at this time.

Tax Bill Explanatory Note

Mr. McKenzie noted the need to correct the impression given by the tax bill explanatory note which gives the impression that the Board of Education is taxing the property owners with voter approval. Township Manager Daly noted that the explanatory note was reviewed by Superintendent of Schools Frank Pepe and School Board Secretary John Calavano, and every change they requested was made to the explanatory note.

Council proposed a draft letter which the Board of Education has requested be sent to all property owners from the Township Council. Council members noted that sufficient time to review the situation and the letter would be required before they could agreed to the letter. If the Board of Education wishes to proceed immediately with the letter, the letter would need to come from the Board rather than the Council.

Upon a motion made, seconded and unanimously agreed, the Regular Meeting was adjourned at 11:56 p.m.

SHIRLEY EBERLE, MAYOR

JEAN C. PELLICANE, RMC, TOWNSHIP CLERK