

REGULAR MEETING OF THE TOWNSHIP COUNCIL
TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, NEW JERSEY
FEBRUARY 26, 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 8:14 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 McKenzie.

Present: Mayor Eberle, Deputy Mayor Grippo, Ms. Barrier, Mr. Chivukula, Mr. Levine, Mr. Mazzola, Mr. McKenzie, Mr. Mettler. Mr. Sumter was out of the room at roll call but returned shortly thereafter.

Absent: No One

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

PROCLAMATION - "READ ACROSS AMERICA" - FRIDAY, MARCH 1, 2002

Read by Deputy Mayor Grippo

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

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

WHEREAS, READ ACROSS AMERICA, a National Celebration of Dr. Seuss' Birthday on March 2nd promotes reading and adult involvement in the education of our Community's students;

NOW, THEREFORE, I, SHIRLEY EBERLE, MAYOR OF THE TOWNSHIP OF FRANKLIN, on behalf of the Township Council, do call on the citizens of Franklin Township to assure that every child is in a safe place reading together with a caring adult on the evening of **Friday, March 1, 2002**; and

BE IT FURTHER RESOLVED that the Township Council enthusiastically endorses

"READ ACROSS AMERICA"

and recommits our Community to engage in programs and activities to make America's children the best readers in the world.

Proclamation was presented by Mayor Eberle and Deputy Mayor Grippo to Sandy Bialic of the Pine Grove Manor School and Chet Varner, President of the Franklin Township Teachers' Association.

PROCLAMATION - YOUTH ART MONTH - MARCH 2002

Read by Deputy Mayor Grippo

WHEREAS, art education contributes powerful educational benefits to all elementary and secondary students including the following:

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*art education develops students' creative problem-solving and critical thinking abilities;

*art education teaches sensitivity to beauty, order and other expressive qualities;

*art education gives students a deeper understanding of multi-cultural values and beliefs;

*art education reinforces and brings to life what students learn in other subjects; and

*art education interrelates student learning in art production, art history, art criticism and aesthetics; and

WHEREAS, these benefits of art education form the basis of "World Class Standards" developed by the U.S. Department of Education and the National Endowment for the Arts; and

WHEREAS, our national leaders have acknowledged the necessity of including arts experiences in all students' education;

THEREFORE, BE IT RESOLVED that support should be given to art teachers as they attempt to strengthen art education in their schools and communities;

NOW, THEREFORE, I, MAYOR SHIRLEY EBERLE, on behalf of the Township Council of the Township of Franklin, County of Somerset and State of New Jersey, do hereby proclaim the period of **March 1, 2002 to March 31, 2002** as "**YOUTH ART MONTH**" in the Township of Franklin, Somerset County.

Copies of this proclamation will be sent to all Township schools and to the Cedar Wood Woman's Club.

MINUTES - WORK SESSION - 2/05/02; REGULAR MEETING - 2/12/02; EXECUTIVE SESSIONS - 2/05/02 & 2/12/02

Mr. Mazzola noted that at the February 12, 2002 Regular Meeting, there were nominations for the appointment of Alternate #2 Member to the Board of Adjustment. Mr. Mazzola voted against the motion to table the nomination and questioned Mr. Chivukula's vote on the motions. Township Clerk Pellicane will review the tape and correct the minutes accordingly.

Motion was made by Mr. Chivukula and seconded by Mr. Mazzola to approve as corrected. 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.

WARRANTS - February 26, 2002**Read by Township Clerk Pellicane**

1	Current Fund	5,488,227.18
5	Water Operating	312,412.79
6	Water Capital	2,579.33
4	General Capital	52,934.91
15	General Trust	3,575.95
18	Self Insurance Trust Fund	7,744.67
21	Recreation Trust	70.00
12	Open Space Trust	91.80

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2	Grant Fund	12,834.39
17	Workers' Compensation	0
	Unemployment Trust	0
	Employee Payroll Deduction	0
3	Collector Trust	17,923.03
14	Dog Revenue	0
	Community Foundation	0
22	Payroll	0
13	Redevelopment Agency	0
23	Agency Payroll	182,550.54
	SUB-TOTAL	6,080,944.59
25	Escrow Account	15,840.11
19	Voided Checks	0
20	Adjustments	0
	GRAND TOTAL	<u>\$6,096,784.70</u>

Motion was made by Mr. Mazzola and seconded by Mr. Levine. 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 will be reviewing this ordinance at their Work Session this week and has not yet prepared their recommendations and moved to carry the public hearing on this ordinance to March 12, 2002.

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.

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 will be reviewing this ordinance at their Work Session this week and has not yet prepared their recommendations and moved to carry the public hearing on this ordinance to March 12, 2002.

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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.

ORDINANCE HEARING –AMEND CODE - CHAPTER 132, FIRE PREVENTION - SECTION 132-8, FIRE PREVENTION BOARD (ADD COUNCIL ALTERNATE LIAISON)

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 132, FIRE PREVENTION - SECTION 132-8, FIRE PREVENTION BOARD". 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. Sumter 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. Sumter and seconded by Mr. Mettler 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.

ORDINANCE HEARING – AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, SOMERSET COUNTY, NEW JERSEY, MORE PARTICULARLY CHAPTER 226, VEHICLES & TRAFFIC - SECTION 226-10, NO STOPPING/STANDING - SECTION 226-13, PARKING PROHIBITION, SECTION 226-17, VEHICLES OVER DESIGNATED WEIGHT EXCLUDED, SECTION 226-18, ONE-WAY DESIGNATION, SECTION 226-22, TURN PROHIBITIONS (MATILDA AVENUE, PINE STREET, RAY STREET)

Township Clerk read by title:

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

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CHAPTER 226, VEHICLES & TRAFFIC - SECTION 226-10, NO STOPPING/STANDING - SECTION 226-13, PARKING PROHIBITION, SECTION 226-17, VEHICLES OVER

DESIGNATED WEIGHT EXCLUDED, SECTION 226-18, ONE-WAY DESIGNATION, SECTION 226-22, TURN PROHIBITIONS (MATILDA AVENUE, PINE STREET, RAY 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. Mettler 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 Mr. Mettler and seconded by Mr. Sumter to close the public hearing; motion was carried unanimously.

Motion was made by Mr. Mazzola 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.

ORDINANCE HEARING – AUTHORIZE LEASE - RAYMOND & FLORENCE GUNTHER - BLOCK 20.01/LOT 36.01, 699 SOUTH MIDDLEBUSH ROAD

Township Clerk Pellicane read by title:

"AN ORDINANCE AUTHORIZING THE LEASE OF CERTAIN PREMISES OWNED BY THE TOWNSHIP OF FRANKLIN IN THE COUNTY OF SOMERSET AND STATE OF NEW JERSEY, TO C. RAYMOND & FLORENCE E. GUNTHER, FOR UTILIZATION AS A RESIDENTIAL DWELLING WITHIN THE OPEN SPACE AREA OWNED BY THE TOWNSHIP OF FRANKLIN". 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 to Mr. Mettler 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. Sumter to close the public hearing; motion was carried unanimously.

Motion was made by Mr. Mazzola 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:

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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 – 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". 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. Sumter 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. Sumter and seconded by Mr. Mettler to close the public hearing; motion was carried unanimously.

Motion was made by Mr. Mazzola 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.

PUBLIC DISCUSSION

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

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

Linda Smith, 139 Wilson Road, Chair of the Recreation Council, spoke in favor of development of the Middlebush Park.

Harold Leventhal, 360 DeMott Lane, spoke in favor of the development of the Middlebush Park and the inclusion of a skateboard park within the park.

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John Grosso, 61 Hollywood Avenue:

1. Questioned Consent Agenda Resolution G (Bid Award - Recycling Transfer Center - Midco Waste System - \$132,765.00). Township Manager Daly advised that the resolution awards the bid for the hauling of materials deposited at the mini-dump.
2. Questioned Consent Agenda Resolution O (Performance Guarantee Release Rejection - Princeton Highland Developers - Docket #P99046P - \$666,000 - Franklin Park Booster Station). Township Manager Daly responded that the resolution deals with the Franklin Park Water Booster Pump being installed at the developer's expense per Developer's agreement.
3. Questioned the purpose of agenda Item 16 (Ordinance Introduction - Bond Ordinance - 2002 Road and Drainage Improvements - \$737,000). Township Manager Daly responded that this bond ordinance provides funding for our annual road overlay program.
4. Questioned the purpose of agenda Item 18 (Ordinance Introduction - Acquisition - Block 129/Lots 9-18 - Sisler Development Corp./\$182,500 - Block 129/Lots 7-8 - Ben David Living Trust/\$65,000 - Gateway Parking Lot). Township Manager Daly responded that the Township received a grant from the Somerset County Economic Development Project for acquisition of properties within the Renaissance 2000 Redevelopment area for parking lots. The ordinance provides for the acquisition of the land.
5. Questioned the purpose of Consent Agenda Resolution DD (Professional Service Agreement - Van Cleef Engineering - Easton Farms Drainage, Curbs and Overlay Design - \$140,607.00). Township Manager Daly advised that the resolution provides for a professional service agreement to design the Easton Farms drainage, curbs and overlay project.
6. Questioned the purpose of Consent Agenda Resolution EE (Professional Service Agreement - Keller & Kirkpatrick - Susan Drive Drainage Project - \$20,000.00). Township Manager Daly advised that the resolution provides for a professional service agreement for the design of the drainage work. When the design is finished, an assessment ordinance for the Township to provide the drainage work will be adopted or the property owners can make the required corrections. While the cost of the improvements will be borne by the property owners, the \$20,000 cost of the engineering design will be borne by the Township.
7. Noted the impact on traffic created by new residential development with no through streets for use by other than the development residents and that the State will not improve or widen Route 27 along our entire boundary.

Christine Mundt, 37 South Middlebush Road:

1. Commended John Grosso for his concern for all residents, not just his own issues.
2. Spoke in favor of construction of the Middlebush By-Pass.
3. Noted the need for traffic improvements and that the Orth-Rodgers Study recommendation for the configuration of the South Middlebush Road/Amwell Road intersection returns the intersection back to the configuration of 15 years ago with the exception of the traffic signal.

Brian Regan, 15 Gunther Loop, noted that Franklin is used as cut-through by drivers going elsewhere, and the construction of the Middlebush By-Pass will attract more cut-through traffic.

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Michael Orsini, 24 Nepote Place:

1. Concurred with the concerns of Ms. Mundt and Mr. Regan on the Middlebush By-Pass, noting that the concerns are not mutually exclusive and that the traffic problems need to be addressed.
2. The realignment of DeMott Lane to meet with Thompson Parkway so that the existing traffic signal will be effective for all traffic should be considered, particularly since the Township has acquired the land at the DeMott/Amwell intersection.

Nancy Hohnstein, 41 So. Middlebush Road, spoke in favor of the Middlebush By-Pass and noted a 1999 Council resolution urging Somerset County to place this item in its Capital Budget for 2001.

Suzette Malichi, 148 Dutton Street, urged the stopping of new construction to stop increasing traffic.

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

ORDINANCE INTRODUCTION - BOND ORDINANCE - PARK EQUIPMENT/AMEND ORDINANCE #3180 - \$200,000

Township Clerk Pellicane read by title:

"BOND ORDINANCE AMENDING AND SUPPLEMENTING BOND ORDINANCE NUMBER 3180 HERETOFORE FINALLY ADOPTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY (THE "TOWNSHIP"), ON DECEMBER 12, 2000, ENTITLED, "BOND ORDINANCE PROVIDING FOR THE IMPROVEMENT OF VARIOUS PARKS THROUGHOUT THE TOWNSHIP, ALL LAWFUL PUBLIC PURPOSES, IN AND BY THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$200,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$190,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF", TO AMEND THE DESCRIPTION THEREOF, TO INCREASE THE APPROPRIATION THEREIN BY \$204,000 AND TO INCREASE THE AUTHORIZATION OF BONDS AND NOTES THEREIN BY \$193,800" 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. Mr. Levine 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 - 2002 ROAD AND DRAINAGE IMPROVEMENTS - \$737,000

Township Clerk Pellicane read by title:

"BOND ORDINANCE PROVIDING FOR VARIOUS 2002 ROAD AND DRAINAGE IMPROVEMENTS, ALL LAWFUL AND PUBLIC PURPOSES, BY AND IN THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET, STATE OF NEW

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JERSEY (THE "TOWNSHIP"); APPROPRIATING \$737,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$700,150 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COSTS 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. 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 -AMEND CODE - CHAPTER 187, RECYCLING - FEES FOR APPLIANCE PICK UP

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 CHAPTER 189, RECYCLING, SECTION 189-9, FEES & CHARGES FOR ADMISSION OF MATERIAL (INCREASE FEES FOR APPLIANCE PICK UP)" which is presented to Council for adoption on first reading, posting, publication in accordance with law for public hearing on March 26, 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 - ACQUISITION - BLOCK 129/LOTS 9-18 - SISLER DEVELOPMENT CORP./\$182,500 - BLOCK 129/LOTS 7-8 - BEN DAVID LIVING TRUST/\$65,000 - GATEWAY PARKING LOT

Township Clerk Pellicane read by title:

"AN ORDINANCE TO ACQUIRE, BY PURCHASE, CERTAIN LANDS WITHIN THE TOWNSHIP OF FRANKLIN FOR REDEVELOPMENT PURPOSES" which is presented to Council for adoption on first reading, posting, publication in accordance with law for public hearing on April 9, 2002.

Mr. Chivukula so moved. 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 INTRODUCTION - ACQUISITION - PILLAR OF FIRE/SCHOOL HOUSE ROAD RIGHT OF WAY - BLOCK 513/LOT 5; BLOCK 516/LOT 2; BLOCK 516/LOT 3

Township Clerk Pellicane read by title:

"AN ORDINANCE TO ACQUIRE BY PURCHASE OR CONDEMNATION CERTAIN LANDS WITHIN THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY FOR ROAD WIDENING AND REALIGNMENT PURPOSES (PORTIONS OF BLOCK 513/LOT 5; BLOCK 516/LOT 2; BLOCK 516/LOT 3 - PILLAR OF FIRE) SCHOOL HOUSE ROAD & WESTON CANAL ROAD" 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. Levine 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.

RESOLUTION - AMENDED CONSENT AGENDA**Read by Township Clerk Pellicane**

The items listed within the Amended Consent Agenda portion of this meeting have been referred to the Township Council for reading and study, are considered routine and will be enacted by one motion of the Township Council with no separate discussion. If separate discussion is required, the item may be removed from the agenda by request of a Township Council member and placed on the regular agenda.

I move that the Amended Consent Agenda Resolutions as they appear on the prepared agenda be and the same are hereby approved:

- A. Tax Title Lien Redemptions:
- Secretary/Veterans Affairs – Block 17/Lot 3 - \$381.71 – 9 Washington Ave
 - James – Block 20.05/Lot 112 - \$849.35 – 2 Cartier Drive
 - Gatyas & Cooper – Block 34.05/Lot 52.05 C0304 - \$845.33 – 20-304 DeLar Parkway
 - Watson – Block 34.07/Lot 16.07 C0043 - \$557.19 – 59 Chelsea Ct
 - Bank of New York – Block 161/Lot 14 - \$5,686.25 – 54 Juliet Avenue
 - Bascome – Block 162/Lot 16 - \$379.25 – 42 Eugene Avenue
 - Long – Block 202/Lot 17.01 - \$855.10 – 177 Alcorne Street
 - Sema, LLC – Block 289/Lot 5 - \$7,263.31 – 32 Holly Street
 - Gunning – Block 312/Lot 7 - \$130.80 – 115 Irvington Ave
 - Kalvala – Block 424.14/Lot 97 C0063 - \$974.74 – 59 Eton Way

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- B. Tax Overpayments – Various
- C. Tax Remittals – Penn – Block 424.11/Lot 7
- D. Water Overpayments – Various
- E. Budget – FY2002 – Insertion in Budget – 2002 Family Planning Grant - \$25,678.00
- F. Budget – FY2002 – Dedication by Rider – Shade Tree Commission
- G. Bid Award – Recycling Transfer Center – Midco Waste System - \$132,765.00
- H. Bid Reject – Printing Services - Deficiencies in Bid Proposal
- I. ~~Purchase – Mobile Vision, Inc. – Eight (8) In-Car Video Radio Systems – \$28,920.00 – State Contract~~ Removed at 7:00 p.m. Work Session
- J. Purchase – Edmunds & Associates, Inc. – Utility Billing and Collection Software, training, documentation and data conversion - \$22,560.00 – State Contract
- K. Contract – IBS – On-Call Duplicating Services – Extend for 3/1/02 to 4/30/02 - \$3,000.00
- L. Competitive Contract – CCMS - Police Radio System Consultant - \$160,310.00
- M. Escrow Release – Inspection Fees:
Frito-Lay – Docket #P200006PD - \$530.11
- N. Performance Guarantee Release – Frito-Lay – Docket #P2000060PD - \$99,502.00
- O. Performance Guarantee Release Rejection – Princeton Highland Developers – Docket #P99046P - \$660,000.00 - Franklin Park Booster Station
- P. Performance Guarantee Reduction – Rotor Clip Co., Inc. – Docket #Z99000UP - \$292,876.00, minus \$205,013.46, balance remaining \$87,863.04
- Q. Performance Guarantee Release Rejection – Briar Manor Developers, LLC – Astor Court – Docket #P98070P - \$680,568.00
- R. Performance Guarantee Release Rejection – US Home – Briar Manor/Hampton Chase – Docket #P94021SF - \$805,253.10
- S. Loan Application – NJDEP – New Jersey Environmental Infrastructure Trust – Water System Rehabilitation – Water Main Cleaning lining Phase VII
- T. Grant Application – NJ Juvenile Justice Commission – Juvenile Accountability Incentive Block Grant – Teen Recreation & ARISE Programs - \$13,946.00 Grant/\$1,395.00 Township Match
- U. Grant Application – NJ Tree Foundation – Free Trees to Celebrate Arbor Day
- V. Grant Application – NJ Tree Foundation TreeKeepers Program – Recruitment of volunteers/Planting and Maintaining Trees
- W. Grant Application – NJ Department of Agriculture – Jersey Fresh Program – Hamilton Street Farmers Market - \$5,220.00
- X. Grant Agreement – NJDCA – Safe Kids Playground Initiative – Playground Equipment for Bascom Park - \$10,000.00 Grant/\$2,000 Township Match

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- Y. Grant Agreement – NJ Department of Law and Public Safety – Safe and Secure Communities Program – Two police officer salaries - \$60,000.00
- Z. Authorize Raffle/Bingo Licenses
- AA. Amend 2002 Meeting Calendar – Change Regular Meeting from Tuesday, June 11th to Thursday, June 13th; Change Work Session/Regular Meeting from Tuesday, June 25th to Thursday, June 27th at 8:00 a.m./9:00 a.m. in Community Senior Center
- BB. Amend January 22, 2002 Resolution – Release Minutes of Executive Sessions
- CC. Professional Service Agreement – Health Education Services – Health Education Services 1/1/02 to 12/31/02 - \$8,000.00
- DD. Professional Service Agreement – Van Cleef Engineering – Easton Farms Drainage, Curbs and Overlay Design - \$140,607.00
- EE. Professional Service Agreement – Keller & Kirkpatrick – Susan Drive drainage project - \$20,000.00

THE FOLLOWING ARE THE ITEMS OF THE AMENDED CONSENT AGENDA:**A. 02-086 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 10, 1999	17/3	SECRETARY OF VETERAN AFFAIRS 20 Washington Place Newark NJ 07102 (9 Washington Avenue)	\$ 381.71
PAID:	February 5, 2002	CERT #99-29	
LIENHOLDER:	Frank J. Festa Jr.	Scotch Plains NJ 07076-0097	
June 8, 2000	20.05/112	JAMES, KEVIN & VOULDA 2 Cartier Drive Franklin Park NJ 08823	849.35
PAID:	January 31, 2002	CERT #20-178	
LIENHOLDER:	James Pilewski	Warren NJ 07059	
April 6, 1995	34.05/52.05 C0304	GATYAS, R. & COOPER, R.E. 236 Sea Island Drive Ponte Vedra Beach FL 32082 (20-304 DeLar Parkway)	845.33

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PAID:	February 8, 2002	CERT #95-03	
LIENHOLDER:	Mabel Arinzeh	108 Drake Road	Somerset NJ 08873
June 8, 2000	34.07/16.07 C0043	WATSON, J. JR. & BARRETT, L. 49 Chelsea Court Franklin Park NJ 08823	557.19
PAID:	January 28, 2002	CERT #20-247	
LIENHOLDER:	George Shrier	201 South 2nd Avenue, Box 16	Highland Park NJ 08904
June 7, 2001	161/14	BANK OF NEW YORK TRUSTEE 4111 South Dalington, Suite 300 Tulsa OK 74135 (54 Juliet Avenue)	5,686.25
PAID:	January 31, 2002	CERT #01-104	
LIENHOLDER:	National Tax Assistance	30 Federal Street	Boston MA 02110
June 7, 2001	162/16	BASCOME, MARGARET 42 Eugene Avenue Somerset NJ 08873	379.25
PAID:	February 5, 2002	CERT#01-158	
LIENHOLDER:	James Pilewski	3 Devon Court	Warren NJ 07059
June 7, 2001	202/17.01	LONG, LARRY 177 Alcorne Street Somerset NJ 08873	855.10
PAID:	February 11, 2002	CERT#01-86	
LIENHOLDER:	Malden Associates	PO Box 5600	Woodbridge NJ 07095
June 8, 2000	289/5	SEMA LLC 524 Union Avenue Bridgewater NJ 08807 (32 Holly Street)	7,263.31
PAID:	January 28, 2002	CERT#20-31	
LIENHOLDER:	Julius M. Bader Trust A	PO Box 877	Barnegat Light NJ 08006-0877
June 11, 1998	312/7	GUNNING, GERALD 115 Irvington Avenue Somerset NJ 08873	130.80
PAID:	January 29, 2002	CERT#98-199	
LIENHOLDER:	Herbert Sehgel	PO Box 284	Kingston NJ 08528
June 7, 2001	424.14/97 C0063	KALVALA, KARUNAKARO ROA 59 Eton Way Somerset NJ 08873	974.74
PAID:	January 28, 2002	CERT#01-108	
LIENHOLDER:	James Pilewski	3 Devon Lane	Warren NJ 07059

B. 02-087 RESOLUTION - TAX OVERPAYMENTS

WHEREAS, there appears on the books of the Collector of Revenue, refunds due, resulting from Tax Overpayments; and

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

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

BLOCK/LOT	NAME/ADDRESS	QTR/YR	AMOUNT
424.11/7	PENN, LILLIE 6 Corwen Court Somerset NJ 08873	2000	50.00
		2001	100.00
		2002	150.00

C. 02-088 RESOLUTION - TAX REMITTALS - PENN - BLOCK 424.11/LOT 7

WHEREAS, there appears on the books of the Collector of Revenue, taxes to be remitted as follows:

<u>YEAR</u>	<u>BLOCK/LOT</u>	<u>NAME</u>	<u>REASON</u>	<u>AMOUNT</u>
2000	424.11/7	PENN, LILLIE	Widow Deduction	50.00
2001		6 Corwen Court	Removed In error	100.00
2002		Somerset NJ 08873		150.00

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, Somerset County that the Collector of Revenue be and she is hereby directed to remit the amount so stated.

D. 02-089 RESOLUTION - WATER OVERPAYMENT

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

<u>BLOCK/LOT</u>	<u>NAME/ADDRESS</u>	<u>REASON</u>	<u>AMOUNT</u>
20.03/9.03 C2303	ARANGURE, LUIS c/o William Winters, Esquire 199 Route 18 South East Brunswick NJ 08816	Overpayment	\$ 22.56
417.02/444 C0052	DESCH, SANDRA LYNN 54 Norwich Place Somerset NJ 08873	Overpayment	\$ 185.18
424.08/242	ESPOSITO, ROSEMARY c/o Stuart Teicher, Esquire 758 Route 18, Suite 103 East Brunswick NJ 08816	Overpayment	\$ 199.28
528.05/19.31	FTWU 475 DeMott Lane Somerset NJ 08873	Overpayment	\$1,392.48

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

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

E. 02-090 RESOLUTION – INSERTION IN BUDGET – STATE OF NEW JERSEY - DEPARTMENT OF HEALTH - FAMILY PLANNING OUTREACH PROGRAM - \$25,678.00

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

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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 \$25,678.00 for **STATE OF NEW JERSEY DEPARTMENT OF HEALTH - FAMILY PLANNING OUTREACH PROGRAM**, and wishes to amend its 2002 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 2002 in the sum of \$25,678.00 which is now available as revenue from:

**STATE OF NEW JERSEY DEPARTMENT OF HEALTH
FAMILY PLANNING OUTREACH PROGRAM**

BE IT FURTHER RESOLVED that a like sum of \$25,678.00, for **STATE OF NEW JERSEY DEPARTMENT OF HEALTH - FAMILY PLANNING OUTREACH PROGRAM** be and the same is hereby appropriated under the caption of:

**STATE OF NEW JERSEY DEPARTMENT OF HEALTH
FAMILY PLANNING OUTREACH PROGRAM**

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

F. 02-091 RESOLUTION - REQUESTING PERMISSION FOR THE DEDICATION BY RIDER FOR DONATIONS: TREE PLANTING/BEAUTIFICATION PROGRAM

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a county or municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, N.J.S.A. 40A: 4-39 provides that the Director of the Division of Local Government Services may approve expenditures of moneys by dedication by rider; and

BE IT RESOLVED by the Township of Franklin, County of Somerset, New Jersey as follows:

1. The Township Council does hereby request permission of the Director of the Division of Local Government Services to pay expenditures under the provisions of N.J.S.A. 40A: 4-39, as amended by PL 1999, c.292, for the exclusive purpose of depositing and expending funds of paid donations and sponsorships of tree planting and beautification projects.

Dedication by Rider – Donations: Tree Planting/Beautification Program

2. The Municipal Clerk is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

G. 02-092 RESOLUTION - AWARD BID – OPERATION OF RECYCLING TRANSFER CENTER – MIDCO WASTE SYSTEM - MARCH 1, 2002 TO FEBRUARY 29, 2004 - NOT TO EXCEED \$132,765.60 ANNUALLY

WHEREAS, a notice to bidders for the receipt of bids for Operation of the Recycling Transfer Station for the period March 1, 2002 to February 29, 2004 was published in the Courier News on January 25, 2002 for receipt on February 8, 2002;

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WHEREAS, the Chief Financial Officer has certified 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;

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

**MIDCO WASTE SYSTEM
5 Industrial Drive
New Brunswick NJ 08901**

An amount not to exceed \$132,765.60 annually; 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.

H. 02-093 RESOLUTION - REJECT BID – ON CALL DUPLICATING

WHEREAS, a notice to bidders for the receipt of bids for On Call Duplicating was published in the Courier News for receipt on January 31, 2002; and

WHEREAS, two (2) bids were received; and

WHEREAS, it has determined that there are deficiencies in the bid proposal;

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Franklin, County of Somerset and State of New Jersey does hereby reject the bids received January 31, 2002 for On Call Duplicating and authorize revision of the bid specifications.

I. Removed from Agenda**J. 02-094 RESOLUTION - AUTHORIZE PURCHASE UNDER STATE CONTRACT – EDMUNDS & ASSOCIATES, INC. - UTILITY BILLING COLLECTION SOFTWARE, TRAINING, DOCUMENTATION AND DATA CONVERSION – NOT TO EXCEED \$22,560.00**

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

**VENDOR: EDMUNDS & ASSOCIATES, INC.
333 Tilton Road
Northfield NJ 08225
State Contract No. A81201**

ITEMS: Utility Billing and Collection Software, training, documentation and date conversion

COST: \$22,250.00

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.

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BE IT AND IT IS HEREBY RESOLVED that the resolution adopted February 22, 2002 awarding bids for on-call duplicating services for the period March 1, 2002 to February 28, 2002 as follows:

IBS

**400F Apgar Drive
Somerset NJ 08873**

An amount not to exceed \$50,000.00

be extended for the period March 1, 2002 to April 30,2002 in an amount not to exceed \$3,000.00; and

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

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Township Clerk be and the same are hereby authorized to enter into a contract with the above listed company.

L. 02-096 RESOLUTION - COMPETITIVE CONTRACT – CCMS – RADIO SYSTEM CONSULTANT SERVICES - AMOUNT NOT TO EXCEED \$160,310.00

WHEREAS, the Township is desirous of obtaining the services of a Radio System Consultant to assist in planning, selecting and implementing an encrypted mixed mode simulcast trunked radio system for the Township of Franklin; and

WHEREAS, NJSA 40A:11-4 et. seq. provides that a competitive contract can be utilized for any good or service that is exempt from bidding pursuant to NJSA 40A:11-5, Extraordinary Unspecifiable Services; and

WHEREAS, quotations for the provisions of obtaining the services of a Radio System Consultant to assist in planning, selecting and implementing an encrypted mixed mode simulcast trunked radio system for the Township of Franklin was publicized;

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

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

CCMS

**29 State Highway 34
PO Box 236
Colts Neck NJ 07722**

Amount not to exceed \$160,310.00; 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 notice of this action shall be printed in the **LEGAL NEWSPAPER OF THE TOWNSHIP** as required by law.

M. 02-097 RESOLUTION - RELEASE OF ESCROW MONIES - 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

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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: FRITO-LAY, INC., c/o Michael Klepitsch
ADDRESS: 35 East Crystal Lake Avenue
 Crystal Lake, IL 60014,7296
DOCKET NO: P2000060PD
BLOCK/LOT: 86.01/10.20
LOCATION: 85 Commerce Drive
AMOUNT DEPOSITED: \$5475.11
AMOUNT CHARGED: 4945.00
AMOUNT TO BE REFUNDED: \$ 530.11

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. 02-098 RESOLUTION - PERFORMANCE GUARANTEE RELEASE - FRITO-LAY, INCORPORATED - DOCKET NO. P2000060PD - \$99,502.20

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

ITEM: PERFORMANCE BOND
 NAME OF APPLICANT: FRITO-LAY, INCORPORATED
 ADDRESS OF APPLICANT: 85 Commerce Drive
 Somerset NJ 08873
 NUMBER: 30S103528506
 INSURANCE CO./BANK: Travelers Casualty & Surety Company of America
 Hartford Connecticut 06183
 IN THE AMOUNT OF: \$99,502.20
 FOR: Site Improvements for Docket No. P2000060PD - Block 86.01/Lot 10.20, Commerce 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.

O. 02-099 RESOLUTION - PERFORMANCE GUARANTEE REJECTION - PRINCETON HIGHLANDS DEVELOPERS, LLC - FRANKLIN PARK BOOSTER STATION - DOCKET NO. P99046P - \$660,000.00

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

ITEM: PERFORMANCE BOND

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NAME OF APPLICANT: PRINCETON HIGHLANDS DEVELOPERS LLC

ADDRESS OF APPLICANT: 3546 State Highway #27
Kendall Park NJ 08824

NUMBER: 3S 986 266 00

INSURANCE COMPANY: Lumbermens Mutual Casualty Company
7470 N. Figueroa Los Angeles CA 90041

IN THE AMOUNT OF: \$660,000.00

FOR: Installation of Water System/Franklin Park Booster Station, Docket No. P99046P - Block 57.01/Lot 43.07; and

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

WHEREAS, by report dated February 1, 2002, the Township Engineer recommends rejection of the request based upon incomplete improvements set forth in January 30, 2002 Report from Killam Associates; and

WHEREAS, the **Municipal Land Use Law** requires the Governing Body, by resolution, to release or reject the release of Performance Guarantees within forty five (45) days of the report from the Township Engineer;

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Franklin, Somerset County, New Jersey does hereby reject the request from Princeton Highlands Developers LLC to release the aforesaid referenced Performance Guarantees for the reasons set forth above.

P. 02-100 RESOLUTION - PERFORMANCE GUARANTEE REDUCTION - ROTOR CLIP COMPANY, INCORPORATED - DOCKET NO. Z99009UP - \$292,876.80, minus \$205,013.46, balance \$87,863.04

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: ROTOR CLIP COMPANY, INCORPORATED

ADDRESS OF APPLICANT: 187 Davidson Avenue
Somerset NJ 08873

NUMBER: JS 1135374

BANK: Fleet Bank c/o Fleet Pennsylvania Services
Trade Services Department/Fleet Way
Scranton PA 18507-1999

IN THE AMOUNT OF: \$292,876.80

FOR: Site Improvement, Docket No. Z99009UP - Block 502/Lot 34.01, 35.02 & 36.02, Davidson Avenue; and

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

WHEREAS, the Township Engineer, after inspection, recommends reduction of the aforesaid Performance Guarantee by the amount of \$205,013.46;

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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 \$87,863.04.

Q. 02-101 RESOLUTION - PERFORMANCE GUARANTEE REJECTION - BRIAR MANOR DEVELOPERS LLC - DOCKET NO. P98070P - \$689,568.00

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

ITEM: PERFORMANCE BOND

NAME OF APPLICANT: BRIAR MANOR DEVELOPERS, LLC

ADDRESS OF APPLICANT: 812 Central Avenue, Westfield NJ 07090

NUMBER: SD00004431

INSURANCE CO./BANK: Frontier Insurance Company, New York NY

IN THE AMOUNT OF: \$689,568.00

FOR: Site Improvement for Docket No. P98070P - Block 34.08/Lot 58, Vliet Road; and

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

WHEREAS, by report dated February 19, 2002, the Township Engineer recommends rejection of the request based upon incomplete improvements as set forth in the February 12, 2002 report from CME Associates; and

WHEREAS, the **Municipal Land Use Law** requires the Governing Body, by resolution, to release or reject the release of Performance Guarantees within forty five (45) days of the report from the Township Engineer;

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Franklin, Somerset County, New Jersey does hereby reject the request from Briar Manor Developers LLC to release the aforesaid referenced Performance Guarantees for the reasons set forth above.

R. 02-102 RESOLUTION - PERFORMANCE GUARANTEE REJECTION - US HOME/BRIAR MANOR/HAMPTON CHASE - DOCKET NO. P94021SF - \$805,253.10

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

ITEM: PERFORMANCE BOND

NAME OF APPLICANT: US HOME/BRIAR MANOR/HAMPTON CHASE

ADDRESS OF APPLICANT: 800 West Main Street
Freehold, NJ 07728

NUMBER: 929-142229

INSURANCE CO./BANK: Continental Insurance Company
8403 Colesville Road Suite 500
Silver Springs, MD 20910

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IN THE AMOUNT OF: \$805,253.10

FOR: Site Improvement for Docket No. P94021SF - Block 84/Lots 2.09, 4 and 36, South Middlebush Road; and

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

WHEREAS, by report dated February 22, 2002, the Township Engineer recommends rejection of the request based upon incomplete improvements as set forth in the February 22, 2002 report from Tony Quaranta, Engineering Inspector; and

WHEREAS, the **Municipal Land Use Law** requires the Governing Body, by resolution, to release or reject the release of Performance Guarantees within forty five (45) days of the report from the Township Engineer;

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Franklin, Somerset County, New Jersey does hereby reject the request from US Home/Briar Manor/Hampton Chase to release the aforesaid referenced Performance Guarantees for the reasons set forth above.

S. 02-103 RESOLUTION - LOAN APPLICATION - NJDEP - NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST - WATER SYSTEM REHABILITATION - WATER MAIN CLEANING AND CEMENT LINING PHASE VII

WHEREAS, the Township of Franklin, Somerset County intends to file an application with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust for the:

Water System Rehabilitation - Water Main Cleaning and Cement Lining Phase VII;

NOW, THEREFORE, BE IT RESOLVED that Kenneth W. Daly, Township Manager be authorized to act as the Authorized Representative to represent the Township of Franklin in all matters relating to the project undertaken pursuant to the above referenced New Jersey Environmental Infrastructure Loan to be executed with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust. The Authorized Representative may be contacted at 475 DeMott Lane, Somerset NJ 08873, (732) 873-2500.

T. 02-104 RESOLUTION - GRANT APPLICATION - NJ JUVENILE JUSTICE COMMISSION - JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT - TEEN RECRETION & ARISE PROGRAMS - \$13,946.00 GRANT/\$1,395 TOWNSHIP MATCH

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 Juvenile Justice Commission - Juvenile Accountability Incentive Block Grant for Teen Recreation and ARISE Programs in the amount of \$13,946.00 with a \$1,395.00 Cash Match;

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

U. 02-105 RESOLUTION - GRANT APPLICATION - NJ TREE FOUNDATION - FREE TREES TO CELEBRATE ARBOR DAY

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 Tree Foundation for free trees to celebrate Arbor Day;

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

V. 02-106 RESOLUTION - GRANT APPLICATION – NJ TREE FOUNDATION – TREEKEEPERS PROGRAM

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 Tree Foundation for the TreeKeepers Program to recruit volunteers interested in planting and maintaining trees;

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

W. 02-107 RESOLUTION - GRANT APPLICATION – NJ DEPARTMENT OF AGRICULTURE – JERSEY FRESH PROGRAM – FARMERS MARKET/HAMILTON STREET - \$5,220.00

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 NJ Department of Agriculture Jersey Fresh Program in the amount of \$5,220.00 for advertising and publicity of farmers market in conjunction with the Hamilton Street Revitalization Program;

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

X. 02-108 RESOLUTION - GRANT AGREEMENT – NJDCA – SAFE KIDS PLAYGROUND INITIATIVE – PLAYGROUND EQUIPMENT FOR BASCOM PARK - \$10,000.00

WHEREAS, the Township of Franklin, Somerset County, New Jersey, desires to obtain a grant from the New Jersey Department of Community Affairs for approximately \$10,000.00 State with a \$2,000.00 local share for a total contract of \$12,000.00 for 2002 to eliminate hazards at Bascom Park;

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey does hereby authorize the execution of the grant agreement from the Department, and also, upon receipt of the full executed agreement from the Department, does further authorize the expenditure of such funds pursuant to the terms of said agreement between the Township of Franklin and the New Jersey Department of Community Affairs; and

BE IT FURTHER RESOLVED that the persons whose names, titles and signatures appear below are authorized to sign the agreement and any other documents necessary in connection therewith.

Y. 02-109 RESOLUTION - APPROVE PARTICIPATION WITH THE STATE OF NEW JERSEY IN A SAFE AND SECURE COMMUNITIES PROGRAM ADMINISTERED BY THE DIVISION OF CRIMINAL JUSTICE, DEPARTMENT OF LAW AND PUBLIC SAFETY - \$60,000.00

WHEREAS, the Franklin Township Police Department wishes to apply for funding for a project under the Safe and Secure Communities Program; and

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

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

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

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

Z. 02-110 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:

<u>NAME OF ORGANIZATION</u>	<u>DATE OF RAFFLE/BINGO</u>
Church of St. Matthias	May 14, 15, 16, 17, 2002
168 JFK Boulevard, Somerset, NJ	6:00 pm to 10:00 pm
On-Premise 50/50 - RL#1338	May 18, 2002
Off-Premise 50/50 - RL#1339	2:00 pm to 10:00 pm
Non-Draw Raffles - RL#1340	May 19, 2002
Drawings: St. Matthias Church Grounds	2:00 pm to 9:00 pm

AA. 02-111 RESOLUTION - AMEND 2002 MEETING CALENDAR

BE IT AND IT IS HEREBY RESOLVED That the resolution adopted by the Township Council on January 1, 2002 establishing a meeting Calendar for the year 2002 be and it is hereby amended in pertinent part as follows:

<u>DELETE</u>	<u>ADD</u>
Regular Meeting June 11 (Tues) 8:00 pm	Regular Meeting June 13 (Thurs) 8:00 pm
Agenda Meeting June 25 (Tues) 7:00 pm	Agenda Meeting June 27 (Thurs) 8:00 am Community/Senior Center
Regular Meeting June 25 (Tues) 8:00 pm	Regular Meeting June 27 (Thurs) 9:00 am Community/Senior Center

BB. 02-112 AMEND RESOLUTION - RELEASE MINUTES - EXECUTIVE SESSIONS

BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the resolution adopted on January 22, 2002 releasing to the public Executive Session Meetings be and it is hereby amended to delete therefrom the following: Property Acquisition - Chen.

REGULAR MEETING - FEBRUARY 26, 2002**CC. 02-113 RESOLUTION - PROFESSIONAL SERVICE - SUZANNE ROSE - HEALTH EDUCATION SERVICES - JANUARY 1, 2002 TO DECEMBER 31, 2002 - AN AMOUNT NOT TO EXCEED \$8,000.00**

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 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: SUZANNE ROSE

ADDRESS: POB 3 Titusville NJ 08560

CONTRACT AMOUNT: An amount not to exceed \$8,000.00

SERVICE: Health Education Services for the Franklin Township Health Department for the period January 1, 2002 to December 31, 2002.

DD. 02-114 RESOLUTION - PROFESSIONAL SERVICE AGREEMENT - VAN CLEEF ENGINEERING ASSOCIATES - EASTON FARMS STORM DRAINAGE SYSTEM, CURBS & OVERLAY PROJECT - AN AMOUNT NOT TO EXCEED \$140,607.00

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

REGULAR MEETING - FEBRUARY 26, 2002

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: VAN CLEEF ENGINEERING ASSOCIATES

ADDRESS: PO Box 5877, Hillsborough, NJ 08844-5877

CONTRACT AMOUNT: An amount not to exceed \$140,607.00

SERVICE: Easton Farms Storm Drainage System, Curbs & Overlay Project in accordance with a proposal dated October 26, 2001 which is on file with the Township Clerk and available for public inspection.

EE. 02-115 RESOLUTION - PROFESSIONAL SERVICE – KELLER & KIRKPATRICK, INC. – DESIGN OF SUSAN DRIVE DRAINAGE IMPROVEMENT - AN AMOUNT NOT TO EXCEED \$20,000.00

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 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:

REGULAR MEETING - FEBRUARY 26, 2002

- (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: KELLER & KIRKPATRICK, INC.
ADDRESS: 900 Lanidex Plaza, Parsippany, NJ 07054
CONTRACT AMOUNT: An amount not to exceed \$20,000.00
SERVICE: Design of Susan Drive Drainage Improvement in accordance with December 18, 2001 proposal on file with the Township Clerk and available for public inspection

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

Motion was carried.

Mr. Mettler abstained from voting on the Consent Agenda to avoid the appearance of a conflict of interest because he was once employed by Van Cleef Engineering (Item DD - Professional Services Agreement - Van Cleef Engineering Associates)

COUNCIL COMMENTS

Advisory Board of Health

Mr. Mazzola moved to amend the agenda to add the Advisory Board of Health. Council concurred.

Mr. Mazzola noted that the Council deferred appointments to this Board but appointed him to act as liaison and to investigate and recommend on its continuance. Per his discussion with Walter Galanowsky, Director of Health, under our form of government the Township Council serves as the Board of Health but appoints an Advisory Board. It is recommended that the Board be continued but with revisions to its operating procedures. In the past, the Board has met once a year and discussed the community clean up; there was no quorum for other attempted

REGULAR MEETING - FEBRUARY 26, 2002

meetings. As a result, there is no mechanism for reporting disease incidents and many important health items of which Council needs to be aware. It is recommend that the Board be continued, meet on a regular basis, and that members with public health backgrounds be solicited.

Council concurred and will seek nominees for this Board.

Middlebush Park

Mr. Grippo concurred with public comments on the siting of a skateboard park within Middlebush Park, and suggested that the skateboard park be officially sited within the park development for installation with the \$250,000 currently appropriated.

Mr. Levine, Mr. Mazzola and Ms. Barrier noted:

1. Determination of the adequacy of parking for the skateboard park addition.
2. Determination of whether the skateboard park fits into the low, medium or high intensity development plans.
3. Determination of whether Middlebush Park or another park or parks are the appropriate location for this facility.
4. When adopting the bond ordinance providing the \$250,000 in funding, the lack of approval of a map of the park development was noted.
5. Determination that the skateboard park can be sited in the Middlebush Park without precluding other planned development.
6. Need for public hearing since some residents want active recreation, others want passive recreation, and the need to have a plan before spending money.
7. Determination of whether the skateboard park should be a publicly run facility or a private commercial facility and the need to know the cost of maintaining and supervising the facility if to be publicly funded.

Mr. Grippo suggested that Schoor DePalma provide Council with plans illustrating what improvements in the park can be obtained for the \$250,000 Capital funding per year for the next four years. Mr. Mazzola noted that the annual \$250,000 Capital Budget covers improvements to all parks, not just Middlebush Park.

Township Manager Daly clarified that a final plan of the park did not exist when Council adopted the \$250,000 bond ordinance. The bond ordinance is intended to provide certain improvements which fit into any of the three plan concepts, and it is his understanding that Council has authorized the preparation of construction plans for the athletic fields, parking and access driveways which do not connect DeMott Lane and Charles Street to the extent that they can be obtained for the \$250,000 funding available.

This matter was deferred to the March 5th Work Session for review of the final version of the School DePalma report and scheduling of a public hearing.

Council Comments

Mr. Grippo noted that he is happy with the Council's Work Session decision on the phone-a-thon and the specifications set forth and questioned the need for a resolution or ordinance setting forth the policy for the future. Township Attorney Rainone suggested that the specifications not be put into the ordinance but remain a policy of the Council requiring Council approval for each application.

Mayor Eberle noted a request from Griggstown residents for scenic district signs in three locations at a cost of \$900 for preparation and installation. Mr. Chivukula questioned the availability of funding for the preparation of these signs and other historic areas which would

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also qualify for and desire such signs. Township Manager Daly will investigate and report back to Council.

Mr. Mazzola noted Council ordinance authorizing bonding for the purchase of Kingston School, subsequent plans by the Board of Education to sell the school to the Hunterdon County Board of Education and the need to get updated information. Mr. McKenzie advised that the Council liaisons will be meeting with the Board of Education next week and will discuss this matter. This matter was deferred to the March 5th Work Session pending report from liaison members.

Township Manager Daly distributed draft responses to the Fire Chief's Association and requested that Councilmembers review the responses and comments to him.

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 - Negri/Nepote

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 - Fire Inspectors/Dispatchers

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 26th day of February, 2002, that an Executive Session closed to the public shall be held on February 26, 2002, at 9:56 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 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)**.

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This Resolution shall take effect immediately.

Motion was made by Mr. Mazzola and seconded by Mr. Levine; motion was carried unanimously.

Council adjourned to Executive Session at 9:56 p.m. Meeting resumed and was immediately adjourned at 10:16 p.m.

SHIRLEY EBERLE, MAYOR

JEAN C. PELLICANE, RMC, TOWNSHIP CLERK