

REGULAR MEETING OF THE TOWNSHIP COUNCIL
TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, NEW JERSEY
MARCH 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 Council was led in the Pledge of Allegiance by Girl Scout Troops.

The invocation was given by Councilwoman Barrier.

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 - GIRL SCOUT WEEK - MARCH 11, 2002 - MARCH 17, 2002

WHEREAS, GIRL SCOUTS OF THE U.S.A. observes the 90th Anniversary of its founding on March 11, 2002; and

WHEREAS, since 1912, Girl Scouting has helped more than forty nine million members enjoy wholesome activities; and

WHEREAS, Girl Scouting is an important way for girls to become self-reliant, productive and self-confident women;

NOW, THEREFORE, BE IT RESOLVED THAT I, SHIRLEY EBERLE, MAYOR of the Township of Franklin, Somerset County, New Jersey on behalf of the Township Council, do hereby proclaim March 11-17, 2002 as

"GIRL SCOUT WEEK"

in the Township of Franklin, and call upon all Citizens of the Township of Franklin to recognize and support the contributions made by Girl Scouts and adult volunteers toward improving the quality of life in our Community.

The Proclamation was presented by Mayor Eberle to Cathy Rezac and numerous Girl Scouts.

COMMENDATIONS - BLACK HISTORY MONTH - FEBRUARY 2002

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

MARIE THOMPSON
PROGRAMMING CHAIRPERSON

DR. WILLIAM SCALES
MUSIC CHAIRPERSON & PRESENTER

KARIN STOCKWELL
PUBLICITY CHAIRPERSON

REGULAR MEETING - MARCH 12, 2002*JOSEPH DAILY, VOCALIST**TYE HUSBANDS, VOCALIST**LT. COLONEL THOMAS E. HIGHSMITH, PRESENTER
HANNIBAL M. COX CHARTER OF TUSKEGEE AIRMEN**AVIS PRICE**DIANE HENSLEY**LUZ MOLINA**ADRIENNE LEWIS**PETER ALLAIN**LORRAINE BOYD**CELESTE FREELAND**DONNA STALLINGS**DONNA COOK**BRUCE MEDLEY*

for contributions to the extraordinary and enlightening programs the

BLACK HISTORY MONTH COMMITTEE

produced for the citizens of the Township and the area.

Commendations and plaques were presented by Ernestine Callier, Director of Community Resources and Services, Mayor Shirley Eberle, Councilman Willis Sumter and Councilwoman Catherine Barrier.

Council called a brief recess for refreshments provided by Ms. Callier at 8:18 p.m. Meeting resumed at 8:28 p.m. with all members returning.

MINUTES - WORK SESSION 2/26/02; REGULAR MEETING - 2/26/02; EXECUTIVE SESSIONS 2/26/02

Motion was made by Mr. Mazzola and seconded by Mr. Mettler to approve the minutes of the Work Session, Regular Meeting and Executive Sessions of February 26, 2002; motion was carried by those Councilmembers in attendance at those meetings.

WARRANTS - MARCH 12, 2002**Read by Township Clerk Pellicane**

| | | |
|----|---------------------------|------------|
| 1 | Current Fund | 386,102.67 |
| 5 | Water Operating | 2,133.24 |
| 6 | Water Capital | 16,181.44 |
| 4 | General Capital | 57,897.76 |
| 15 | General Trust | 42,880.96 |
| 18 | Self Insurance Trust Fund | 5,289.50 |
| 21 | Recreation Trust | 644.15 |
| 12 | Open Space Trust | 7,439.38 |
| 2 | Grant Fund | 5,636.25 |
| 17 | Workers' Compensation | 644.50 |

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| | | |
|----|----------------------------|---------------------|
| | Unemployment Trust | 0 |
| | Employee Payroll Deduction | 0 |
| 3 | Collector Trust | 6,652.51 |
| 14 | Dog Revenue | 2,486.40 |
| | Community Foundation | 0 |
| 22 | Payroll | 0 |
| 13 | Redevelopment Agency | 0 |
| 23 | Agency Payroll | 290,699.97 |
| | SUB-TOTAL | 824,688.73 |
| 25 | Escrow Account | 9,795.50 |
| 19 | Voided Checks | 0 |
| 20 | Adjustments | 0 |
| | GRAND TOTAL | \$834,484.23 |

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 LOCATION

Township Clerk Pellicane noted that the report has been received from the Planning Board recommending changes in the ordinance. The Township attorney has opined, however, that the ordinance is in compliance with the Master Plan and may be adopted by Council as introduced.

Township Clerk Pellicane read by title:

"AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, SOMERSET COUNTY, NEW JERSEY, MORE PARTICULARLY CHAPTER 112, DEVELOPMENT - SECTION 112-9B(25) WIRELESS COMMUNICATIONS ANTENNAS (ADD NEW SILOS, STEEPLES & WINDMILLS TO EXISTING SILOS AND STEEPLES FOR SECOND PRIORITY LOCATIONS) (SPECIFY TOWNSHIP OWNED THIRD PRIORITY LOCATIONS". 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 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.

Ted Chase, Old Georgetown Road, Planning Board member, noted Council's action to proceed with the ordinance adoption without the changes suggested by the Planning Board based on an opinion from the Township Attorney.

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

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

Mayor Eberle noted that the Planning Board has raised questions regarding the provisions of this ordinance requiring response by the Township Engineer. Therefore, a motion to carry this ordinance hearing to March 26, 2002 would be in order.

Motion was made by Mr. Sumter and seconded by Mr. Chivukula to carry the hearing to March 26, 2002. 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 226, VEHICLES & TRAFFIC - THROUGH STREETS & STOP/YIELD INTERSECTIONS - RIDGE BOULEVARD, STOCKTON 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)". 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. Sumter 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.

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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 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 – ACCEPT DEED OF DEDICATION - NORMAN R. & JANE FISHER - ADDITIONAL RIGHT OF WAY WIDTH - SCHOOL HOUSE ROAD

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". 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 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.

No one from the public spoke.

Motion was made by Mr. Mettler and seconded by Mr. Chivukula 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:

| <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 – VACATE ABANDONED PORTIONS OF MATILDA AVENUE WEST AND STOTHOFF STREET

Township Clerk Pellicane read by title:

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"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". 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 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 Mayor Eberle and seconded by Mr. Chivukula to close the public hearing; motion was carried unanimously.

Motion was made by Mr. Levine 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 – BOND ORDINANCE - FRANKLIN BOULEVARD SIDEWALKS & HENRY STREET CURBS, SIDEWALK REPAIRS & OVERLAY DESIGN - \$152,500.00 (FRANKLIN BOULEVARD & HENRY STREET)

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

Motion was made by Ms Barrier 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:

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

Motion was made by Mr. Chivukula 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.

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

Deputy Mayor Grippo questioned who determines the priority of the roads/areas receiving the overlay and drainage improvements. Mr. Mazzola responded that the Director of Public Works makes the recommendations, the Council's Financial Oversight Committee reviews and makes recommendations and final determination is made by the full Council.

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

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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. Chivukula 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. Mazzola and seconded by Ms. Barrier 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.

Bernie Schrum, Chairman of the Planning Board, spoke in reference to:

1. Middlebush Park, the first park earmarked by the Master Plan to be developed. The Planning Board obtained the acreage from the developer for the park, and the Parkland fee now assessed to developers will provide a source of income for park development.
2. A new ordinance which will be discussed by the Planning Board dealing with Smart Growth concepts which would prohibit the clearing of land during nesting and reproductive seasons.

The following persons spoke in favor of development of a skatepark in Middlebush Park:

- Linda Smith, 139 Wilson Road, Member of the Recreation Council
- John Hansen, 3 London Place
- Mike Bennett, 39 Cedar Brook Drive;
- Officer Ray Morales, Rutgers Police Department
- Jean Hansen, 3 London Place
- Brian Regan, 15 Gunther Loop
- Harold Leventhal, 360 DeMott Lane
- Donald Bennett, 39 Cedar Brook Drive
- Thomas Cummings, John E. Busch Avenue;
- Jonathan Allen, Mustang Trail

John Grosso, 61 Hollywood Avenue:

1. Commended the Planning Board for getting developer's money for parks but noted the need to get money for schools.

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2. Questioned the Township's plan to cope with the draught. Township Manager Daly advised that he will be meeting tomorrow with the Emergency Management Council to formulate plans and to publicize that plan when formulated.
3. Noted that monies from the Water Utility Account, which always showed a surplus, have been transferred and moved, and that the Water surplus money should be used to extend water lines.
4. Noted the need for tax reforms for education costs.

Sherry Atkinson and Lauren Marginson spoke in reference to New Jersey Nursing Homes noting that safe staffing levels are not being provided and salaries for care givers are inadequate.

Carl Wade, 174 Dutton Street:

1. Supported the development of Middlebush Park with a skateboard park and football facilities for Pop Warner.
2. Noted the need to revise the existing traffic light at the JFK/New Brunswick Road intersection to provide sufficient time for pedestrians to cross the street or provide another traffic light in the immediate area.

Lucretia Cortelyou, 1892 Amwell Road, opposed the construction of the Middlebush By-Pass and noted that there have been no accidents in that area of Amwell Road since the curve was eliminated and the speed limit reduced.

Sidney Lentz, 22 Corneilius Way, spoke in objection to the increase in property taxes.

Malcolm Bernard, Griggstown, and Matt Perry, 74 Peoples Line Road, spoke in reference to the need for lighted practice fields for Pop Warner. Mr. Bernard requested clarification of a comment by Mr. Mazzola that Council is not sure if they want a Pop Warner facility on Township property. Mr. Mazzola responded that he commented that Pop Warner needs a dedicated home of its own with a field house, concessions, etc. like the Little League, which could be located on Township land but leased to Pop Warner.

Bill Mundt, 37 South Middlebush Road, founder of Middlebush By Pass Association, spoke in favor of constructing the Middlebush By Pass now.

Ann Kane, 103 Highland Avenue, spoke in objection to the increase in tax assessments and questioned the method used to increase assessments since the Tax Assessor did not visit her home. Township Manager Daly explained the methods used based on market studies and referred Ms. Kane to the Tax Assessor.

Matt Zavotsky, 1935 Amwell Road, spoke in favor of the skatepark, concurred that there have been no accidents on that area of Amwell Road since the realignment of the curve, and noted that higher tax assessments based on inflated market values will also be impacted when the market drops.

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

Council took a brief recess at 10:18 p.m. Meeting resumed at 10:25 p.m. with the roll being called as follows:

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

Absent: No one

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ORDINANCE INTRODUCTION -AMEND CODE - CHAPTER 112, DEVELOPMENT - CB ZONE TO R-10 ZONE, ELIZABETH AVENUE NORTH OF ROUTE 287

Township Clerk Pellicane read by title:

"AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, SOMERSET COUNTY, NEW JERSEY, MORE PARTICULARLY CHAPTER 112, DEVELOPMENT - SECTION 112-6, ZONING DISTRICTS - SUBSECTION B, ZONING MAP - PARAGRAPH 2, AMENDMENTS (ELIZABETH AVENUE NORTH OF 1-287 - CB ZONE TO R-10 ZONE)" 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. 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 (out of room) |

Motion was carried.

ORDINANCE INTRODUCTION - AMEND CODE - CHAPTER 112, DEVELOPMENT - HOME OCCUPATIONS

Township Clerk Pellicane read by title:

"AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, SOMERSET COUNTY, NEW JERSEY, MORE PARTICULARLY CHAPTER 112, DEVELOPMENT - SECTION 112-9, SUPPLEMENTARY REGULATIONS - SUBSECTION B, CONDITIONAL USES - PARAGRAPH (9), HOME OCCUPATIONS" 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. 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 - AMEND CODE - CHAPTER 112, DEVELOPMENT - SECTION 112-8, GENERAL REGULATIONS - SCHEDULE I, PERMITTED USES - CHILD CARE CENTERS/PERSONAL STORAGE/MINI-WAREHOUSES

Township Clerk Pellicane read by title:

"AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, SOMERSET COUNTY, NEW JERSEY, MORE PARTICULARLY CHAPTER 112, DEVELOPMENT - SECTION 112-8, SCHEDULE 1, PERMITTED USES (PERSONAL STORAGE/MINI WAREHOUSES/CHILD CARE CENTERS) " which is presented to Council for adoption on first reading, posting, publication in accordance with law for public hearing on April 9, 2002.

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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 - CONSENT AGENDA

Township Manager Daly noted that responses have not been received from Fire Districts 1 & 2 on the revised payment schedule for the taxes. To insure that there are no problems with the changes, he requested that Consent Agenda resolutions S (Tax Rate - Fire District #1) and T (Tax Rate - Fire District #2) be carried to March 26th to allow time for him to contact the Fire Districts. Council concurred.

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:

1. Consent Agenda:

A. Tax Title Lien Redemptions:

Lysy – Block 87.02/Lot 28.01 - \$4,884.02 – 1504 Hamilton St.
Freeman – Block 216/Lot 1 - \$1,768.49 – 288 Park St.

B. Tax Overpayments – Various

C. Tax Remittals – Various

D. Water Overpayment – Feingold – Block 34.09/Lot 59.2C0453 - \$86.48

E. Bid Award – Jesco, Inc. – Backhoe Loader - \$122,794.00 including options A-D and trade-in

F. Purchase – Frascella Electrical – SCADA Cabinet – Negotiated Purchase/
Unsuccessful Bid Attempts - \$53,105.00G. Purchase – Monmouth Truck Bodies – Three plows – 2 @ \$2,306.00 and 1 @
\$3,900.00 – Total \$8,512.00 – Section 3-13/State ContractH. Purchase – Princeton Nassau Conover FLM – One Ford Mason Dump Truck -
\$41,480.00 includes optionsI. Purchase – Hetrich Fleet Service – Two Chevrolet 4 wheel-drive trucks – 2 trucks @
\$16,071 plus accessories of \$1,110.72 each - \$34,363.44/State Contract

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- J. Purchase – P & H Construction – Upgrade to Cortelyou Lane Pump - \$9,100.00 – Section 3-13
- K. Purchase – Surdex Corp. – Aerial Photogrammetric Mapping - \$223,200.00 – Competitive Contract
- L. Grant Application – Somerset County Economic Development Incentive Program: Hamilton Street Business District Façade Improvement Program - \$200,000.00 Acquisition for Renaissance 2000 Gateway Parking Lot/additional - \$65,000.00
- M. Authorize Grant Application – Somerset County HOME – Raritan Valley Habitat for Humanity - \$31,500.00
- N. Special Event Permit – St. Matthias School – One Mile/Three Mile Walk/Run – 3/23/02
- O. Special Event Permit – St. Matthias Church – Carnival – 5/14/02 to 5/19/02
- P. Performance Guarantee Release Rejection – John Wiley & Sons – Docket #P2000019PD - \$232,250.00
- Q. Performance Guarantee Release Rejection – Redmont – Docket #P91001P - \$64,800.00
- R. Support Campaign to Fix New Jersey Nursing Homes
- S. Tax Rate – Fire District #1 - Removed from Consent Agenda/Deferred to 3/26/02
- T. Tax Rate – Fire District #2 - Removed from Consent Agenda/Deferred to 3/26/02
- U. Authorize Raffle/Bingo Licenses
- V. Appointment – Christian Husby – Teenage Non-Voting Member of Recreation Council - Male/Private or Parochial School – 3/12/02 to 12/31/02
- W. Purchase – Mobile Vision, Inc. – Eight (8) In-Car Video Radio Systems - \$28,920.00 – State Contract

A. 02-116 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 7, 2001 | 87.02/28.01 | LYSY, STEVE & DONNA 1504 Hamilton Street Somerset NJ 08873 | \$4,884.02 |
| PAID: | February 20, 2002 | CERT #01-238 | |
| LIENHOLDER: | Herbert Sehgel PO Box 284 | Kingston NJ 08528 | |

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June 8, 2000 216/1 FREEMAN, HENRY W. & J. A. 1,768.49

288 Park Street
Somerset NJ 08873**PAID: February 14, 2002 CERT #20-163****LIENHOLDER: James C. Older**
87 East Mountain Road Hillsborough NJ 08844**B. 02-117 RESOLUTION - TAX OVERPAYMENTS**

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

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

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

| BLOCK/LOT | NAME/ADDRESS | QTR/YR | AMOUNT |
|------------------|--|---------------|-----------------|
| 74.03/24 | Carolyn & Vincent Solimine 4 Staudt Court Somerset NJ 08873 | 02/2 02/3 | 1983.16 .01 |
| 85/51.01 | Mandelbaum & Mandelbaum 80 Main Street West Orange NJ 07052 | 2001/4 | 476.20 |
| 417.01/22.29 | Stephen & Carmela Pasierb 22 Gauguin Way Somerset, NJ 08873 | 02/2 02/3 | 1736.88 .09 |
| 424.08/340 | Ravi & Nalini Ammanamanchi 28 Rue Chagall Somerset NJ 08873 | 02/2 02/3 | 1735.67 6.77 |

C. 02-118 RESOLUTION - TAX REMITTALS

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> |
|--------------------|-------------------------|--------------------------------------|------------------------------|----------------------|
| 2002 | 11.01/9.02Q | TOWNSHIP OF | Open Space | 34.78 |
| 2001 | | FRANKLIN | | 36.65 |
| 2002 | 37.02/5.04C0902 | GRINER-SABREE | Disabled Veteran | 798.16 |
| 2002 | 135.01/10 | SOMERSET COMMUNITY ACTION PROGRAM | Daycare Center | 2,012.45 |
| 2002 | 229/1 | FIRE DISTRICT #3 | Office for District | 801.00 |
| 2002 | 261/6 | SAINT SHARBEL MARONITE CHURCH | Sunday School | 654.00 |
| 2002 | 295/19 | JONES, FRANKLIN | Disabled Veteran | 1,171.20 |
| 2002 | 342/35 | ENABLE INC. | Home for Disabled | 759.00 |
| 2002 | 401/19 | LYONS, BONNIE | Widow of Disabled Veteran | 615.94 |
| 2002 | 424.02/31 | MATHENY SCHOOL & HOSPITAL | School for Disabled | 668.22 |

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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. 02-119 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> |
|-------------------------|---|----------------------|----------------------|
| 34.09/59.02/C0453 | MITCHELL FEINGOLD 12 Concord Drive Manalapan NJ 07726 | Overpayment | \$86.48 |

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. 02-120 RESOLUTION - AWARD BID - JESCO, INCORPORATED - BACKHOE-LOADER - AN AMOUNT NOT TO EXCEED \$122,794.00 (INCLUDES OPTIONS A-D) AND TRADE IN

WHEREAS, a notice to bidders for the receipt of bids for a Backhoe Loader for the Department of Public Works was published in the Courier News on February 8, 2002 for receipt on February 21, 2002; 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;

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

JESCO, INCORPORATED
118 St. Nicholas Avenue
South Plainfield NJ 07080

Total Amount \$122,794.00 (includes options A-D) and trade-in

| | |
|------------------------------------|----------------|
| Backhoe - Base Cost | - \$115,242.00 |
| Trade in | - (6,000.00) |
| Option A - 18" Heavy Duty Bucket | - 1,616.00 |
| Option B - Pavement Removal Bucket | - 2,103.00 |
| Option C - 30" Heavy Duty Bucket | - 2,033.00 |
| Option D - Bucket Power Tilt | - 7,800.00; |

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

E. 02-121 RESOLUTION - AUTHORIZE PURCHASE OVER BID THRESHOLD/BID ATTEMPTS UNSUCCESSFUL - FRASCELLA ELECTRICAL - SCADA TRAFFIC CONTROL CABINETS FOR WATERMETING EQUIPMENT - \$53,105.00

WHEREAS, the Township of Franklin desires to purchase items as following which exceed the bid threshold and for which bids were unsuccessfully solicited on two occasions; and

WHEREAS, NJSA 40A:11-5(3)(a) permits the negotiation of a contract to purchase items under such circumstances;

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

I. 02-124 RESOLUTION - AUTHORIZE PURCHASE UNDER STATE CONTRACT - HETRICH FLEET SERVICE - TWO (2) CHEVROLET K1500 4 WHEEL-DRIVE TRUCKS - AN AMOUNT NOT TO EXCEED \$34,363.44

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

VENDOR: HETRICH FLEET SERVICE
695 DuPont Boulevard
Milford DE 1996 State Contract No. A49207

ITEMS: Two (2) Chevrolet K1500 4-Wheel Drive Trucks

COST: Two (2) Trucks @ \$16,071.00 plus accessories of \$1,110.72; Total each truck \$17,181.72 for a total amount not to exceed \$34,363.44

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.

J. 02-125 RESOLUTION - AUTHORIZE PURCHASE UNDER BID THRESHOLD/ OVER \$8,500.00 - P & H CONSTRUCTION - UPGRADE TO CORTELYOUS LANE PUMP - AN AMOUNT NOT TO EXCEED \$9,100.00

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

WHEREAS, quotations as required by NJSA 40A:11-1 et seq. have been received;

VENDOR: P & H CONSTRUCTION
255 Margaret King Avenue
Ringwood NJ 07456

PROJECT: Upgrade to Cortelyous Lane Pump

COST: An amount not to exceed \$9,100.00

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.

REGULAR MEETING - MARCH 12, 2002**K. 02-126 RESOLUTION - COMPETITIVE CONTRACT – SURDEX CORPORATION - AERIAL PHOTOGRAMMETRIC MAPPING - AMOUNT NOT TO EXCEED \$223,200.00**

WHEREAS, the Township is desirous of obtaining the services of Aerial Photogrammetric Mapping services 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 for Photogrammetric Mapping 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:

**SURDEX CORPORATION
520 Spirit of St. Louis Boulevard
Chesterfield MO 63005**

Amount not to exceed \$223,200.00; 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.

L. 02-127 RESOLUTION - GRANT APPLICATION – SOMERSET COUNTY ECONOMIC DEVELOPMENT INCENTIVE PROGRAM

BE IT AND IT IS HEREBY RESOLVED that application for Somerset County Economic Development Incentive Program be filed with the Somerset County Economic Development Incentive Program Advisory Committee and that appropriate Township agents be and are hereby authorized to execute an application on behalf of the Township as follows:

**Hamilton Street Business District Façade Improvement Program - \$200,000.00
Acquisition for Renaissance Gateway Parking Lot Project - \$65,000.00**

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

M. 02-128 RESOLUTION – AUTHORIZE GRANT APPLICATION – SOMERSET COUNTY HOME – RARITAN VALLEY HABITAT FOR HUMANITY - PURCHASE LOT ON ALEX PLACE FOR DWELLING - \$31,500.00

BE IT AND IT IS HEREBY RESOLVED that the Township Council of the Township of Franklin, County of Somerset and State of New Jersey does hereby authorize the submission of a grant application to Somerset County HOME Program, by the Raritan Valley Habitat for Humanity, in the amount of \$31,500.00 for the acquisition of a lot on Alex Place and does authorize the appropriate officials of the Township of Franklin to execute said Grant Application.

REGULAR MEETING - MARCH 12, 2002**N. 02-129 RESOLUTION - SPECIAL EVENT PERMIT - ST. MATTHIAS SCHOOL - SAINT MATTHIAS FAMILY RUN/WALK - SATURDAY, MARCH 23, 2002**

WHEREAS, a request has been received from Saint Matthias School (Sister Jean Patrick, Vice Principal, 170 John F. Kennedy Boulevard, Somerset NJ 08873) for permission to have Saint Matthias Family Run/Walk on Saturday, March 23, 2002 between the hours of 8:30 am and 12:00 Noon, to be conducted along streets on a map on file with the Township Clerk; and

WHEREAS, Saint Matthias School has requested that the Permit Fee of \$125.00 be waived since they represent a non-profit organization; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset, New Jersey, that permission is hereby granted to Saint Matthias School to conduct Family Run/Walk on Saturday, March 23, 2002 between the hours of 8:30 am and 12:00 Noon, to be conducted along streets shown on a map on file with the Township Clerk, subject to compliance with the requirements of Township Officials, including but not limited to the Chief of Police and Director of Fire Prevention; and

BE IT FURTHER RESOLVED that the permit fee of \$125.00 be waived since said organization is a non-profit organization; and

BE IT FURTHER RESOLVED that the Applicant shall be responsible for providing a sufficient number of off-duty Police Officers to the satisfaction of the Chief of Police during the conduct of this event:

- (1) Applicant shall deposit with the Township Finance Director, at least five (5) days prior to the event, an escrow amount sufficient to cover the cost of said off-duty police protection in accordance with the fee schedule set forth in Ordinance #1417;
- (2) Payment to said off-duty police officer for services provided shall be made by the Finance Department from said escrow deposit. Should escrow funds be found insufficient, the Applicant shall deposit additional funds with the Finance Department to cover the remaining cost of off-duty police protection;
- (3) Any unused monies deposited for off-duty police protection shall be returned by the Township Clerk to the person or organization making the deposit upon approval of the Chief of Police.

BE IT FURTHER RESOLVED that in accordance with Section 97-6 (e) of the Township Code that there shall be deposited with the Township Clerk a cash deposit, money order, certified check or treasurer's check in the amount of \$300.00 to guarantee the maintenance of the premises on which the applied for activity is to be conducted; and,

- (1) If at the end of such activity, the Health Inspector of the Township decides that the premises were not returned to the condition they were in as of the time that the applied for activity commenced, he/she shall be authorized to return the premises to such condition and to pay for having same done out of the deposit left with the Township Clerk for such purposes;
- (2) Any unused monies deposited for maintenance shall be returned by the Township Clerk to the person or organization making the deposit upon approval of the Health Inspector.

O. 02-130 RESOLUTION - SPECIAL EVENT PERMIT - CATHOLIC COMMUNITY OF SAINT MATTHIAS CHURCH - CARNIVAL - TUESDAY, MAY 14 thru SUNDAY, MAY 19, 2002

WHEREAS, a request has been received from the Catholic Community of Saint Matthias for permission to have a **CARNIVAL** on:

Tuesday, May 14; Wednesday, May 15;

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| | | | |
|------------------|-----------------------------|---------------|-------------------------|
| Thursday, | May 16 & Friday, | May 17 | 6:00 to 10:00 pm |
| Saturday, | May 18 | | 2:00 to 10:00 pm |
| Sunday, | May 19 | | 2:00 to 9:00 pm |

to be conducted on Church Grounds located at 168 John F. Kennedy Boulevard; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset, New Jersey, that permission is hereby granted to the Catholic Community of Saint Matthias to conduct a **CARNIVAL** on the date and times set forth above, to be conducted **on Church Grounds located at 168 John F. Kennedy Boulevard**, subject to compliance with the requirements of Township Officials, including but not limited to the Chief of Police and Director of Fire Prevention; and

BE IT FURTHER RESOLVED that the Applicant shall be responsible for providing a sufficient number of off-duty Police Officers to the satisfaction of the Chief of Police during the conduct of this event; and

- (1) Applicant shall deposit with the Township Finance Director, at least five (5) days prior to the event, an escrow amount sufficient to cover the cost of said off-duty police protection in accordance with the fee schedule set forth in Ordinance #1417;
- (2) Payment to said off-duty police officer for services provided shall be made by the Finance Department from said escrow deposit. Should escrow funds be found insufficient, the Applicant shall deposit additional funds with the Finance Department to cover the remaining cost of off-duty police protection;
- (3) Any unused monies deposited for off-duty police protection shall be returned by the Township Clerk to the person or organization making the deposit upon approval of the Chief of Police.

BE IT FURTHER RESOLVED that the Catholic Community of Saint Matthias Church shall file with the Township Clerk Ride Vendor's Permit to operate; and

BE IT FURTHER RESOLVED that in accordance with **Section 97-6 of the Township Code** that there shall be deposited with the Township Clerk a cash deposit, money order, certified check or treasurer's check in the amount of \$300.00 to guarantee the maintenance of the premises on which the applied for activity is to be conducted; and

- (1) If at the end of such activity, the Health Inspector of the Township decides that the premises were not returned to the condition they were in as of the time that the applied for activity commenced, he/she shall be authorized to return the premises to such condition and to pay for having same done out of the deposit left with the Township Clerk for such purposes;
- (2) Any unused monies deposited for maintenance shall be returned by the Township Clerk to the person or organization making the deposit upon approval of the Health Inspector.

BE IT FURTHER RESOLVED that in accordance with **Section 97-7 of the Township Code** the applicant shall furnish evidence that a Public Liability Insurance Policy in an amount not less than five hundred thousand (\$500,000) dollars for one (1) person and one million (\$1,000,000) dollars for any one (1) accident which shall be in force and effect at the time such CARNIVAL will be operating

P. 02-131 RESOLUTION - PERFORMANCE GUARANTEE REJECTION - JOHN WILEY & SONS - DOCKET NO. P2000019PD - \$232,250.00

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

ITEM: PERFORMANCE BOND

NAME OF APPLICANT: JOHN WILEY & SONS

ADDRESS OF APPLICANT: 1 Wiley Drive

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Somerset NJ 08873

NUMBER: 8183-61-70**INSURANCE CO./BANK:** Chubb Group of Insurance Companies
15 Mountain View Road Warren NJ 07061**IN THE AMOUNT OF:** \$232,250.00**FOR:** Site Improvements for Docket No. P2000019PD - Block 523.02/Lot 35.05, Wiley Drive;
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 February 6, 2002 report from John Hauss, Deputy Director of Fire Prevention; 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 John Wiley & Sons to release the aforesaid referenced Performance Guarantees for the reasons set forth above.

Q. 02-132 RESOLUTION - PERFORMANCE GUARANTEE REJECTION - REDMONT ASSOCIATES - DOCKET NO. P91001P - \$64,800.00

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:** REDMONT ASSOCIATES**ADDRESS OF APPLICANT:** 15-17 Maiden Lane
Bound Brook NJ 08805**NUMBER:** JS 112 7777**INSURANCE CO./BANK:** Fleet Bank - National Association
c/o Fleet Pennsylvania Services
1 Fleet Way Scranton PA 18507-1999**IN THE AMOUNT OF:** \$64,800.00**FOR:** Site Improvements for Docket No. P91001P - Block 95/Lot 1, 220 Churchill Avenue;

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 February 15, 2002 report from Tony Quaranta, Engineering Inspector and February 4, 2002 report from John Hauss, Deputy Director of Fire Prevention; 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;

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

R. 02-133 RESOLUTION - SUPPORT CAMPAIGN TO FIX NEW JERSEY NURSING HOMES

WHEREAS, safe staffing levels are the key to ensuring that all nursing home residents receive the attention they need to live in dignity; and

WHEREAS, nursing home staffing levels currently required in New Jersey are nearly 40% lower than the levels experts recommend; and

WHEREAS, adequate staff-to-resident ratios that are easy to understand and enforce must be established, and information about nursing home staffing levels should be available to consumers and resident family members; and

WHEREAS, poverty wages and inadequate benefits have created high employee turnover and undermined nursing home quality of care; and

WHEREAS, nursing homes must provide decent jobs to help attract and keep qualified staff; and

WHEREAS, we must reform the Medicaid reimbursement system for nursing home care so that it provides for and guarantees quality care, higher staffing ratios, good careers for workers and adequate funding; and

WHEREAS, nursing home workers and residents, family members, seniors, people with disabilities, religious and political leaders and advocates are joining together to promote quality, long term care in New Jersey in order to ensure that all New Jersey nursing home residents receive the care they deserve;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of Franklin in the County of Somerset and State of New Jersey does hereby endorse and support Campaign to Fix New Jersey Nursing Homes.

S. Removed from Agenda

T. Removed from Agenda

U. 02-134 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**

**Spartan Club of Immaculata High School
240 Mountain Avenue, Somerville, NJ
On-Premise Raffle - RL#1341
Drawing: Double Tree Hotel, Somerset**

**April 13, 2002
10:00 am - 3:00 pm**

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V. 02-135 RESOLUTION - APPOINTMENT TO RECREATION COUNCIL - TEENAGE NON-VOTING MALE PAROCHIAL/PRIVATE SCHOOL MEMBER - CHRISTIAN HUSBY

BE IT AND IT IS HEREBY RESOLVED that the Township Council of the Township of Franklin, County of Somerset and State of New Jersey does hereby appoint Christian Husby (9 Alma Court, Somerset NJ 08873) as a Teenage Non-Voting Male Parochial/Private School member of the Recreation Council, said term commencing March 12, 2002 and expiring December 31, 2002.

W. 02-136 RESOLUTION - AUTHORIZE PURCHASE UNDER STATE CONTRACT - MOBILE VISION, INC. - EIGHT (8) IN-CAR VIDEO RECORDING SYSTEMS - \$28,920.00

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

VENDOR: MOBILE VISION, INC.
90 Fanny Road
Boonton, NJ 07005 **State Contract No. A44254**

ITEMS: Eight (8) In-Car Video Recording Systems @\$3,320.00 each plus
Eight (8) Wireless Microphones @\$295.00 each

COST: \$28,920.00

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.

Motion was made by Mr. Chivukula 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.

Members of Council expressed their support of Resolution R regarding nursing home reforms.

COUNCIL COMMENTS

Mr. McKenzie noted the need to move ahead with recreation facilities and to provide facilities in different areas for all citizens, and questioned the parkland funding mentioned by Mr. Schrum. Township Manager Daly advised that there is a formula in the Development Ordinance requiring contributions from developers via developer's developer for park improvements.

Mr. Chivukula noted the importance of getting the draught emergency regulations to the public.

REGULAR MEETING - MARCH 12, 2002

Mr. Sumter noted his support of development of Middlebush Park but noted the amount of time needed, 3 years for Naaman Williams Park.

Deputy Mayor Grippo noted the need to communicate clearly with residents and establish a time schedule for the development of Middlebush Park.

Mr. Levine noted the need for our own Master Plan for Recreation and to coordinate the plan with the Board of Education.

Mr. Mazzola acknowledged the 78,000 American citizens who have been called into action to protect the homeland and fight terrorism overseas.

Ms. Barrier noted:

1. Support for the development of athletic fields and to go forward on an overall plan for the entire Township and be prepared to proceed next year ready when the 2003 \$250,000 is available.
2. Need to clarify for the skatepark proponents what the Township is looking for from them.

Mr. Mettler noted:

1. Need to clarify that money for the development of the skatepark is not available in the Township budget, and that the skatepark was originally presented as being funded privately.
2. Need for final figures on the cost of developing the athletic fields Council has agreed to.
3. Requested that the Middlebush By-Pass be placed on the agenda for the April 2nd Work Session based on problems which exist with the localized improvements chosen to be completed first – specifically, the need to acquire land from NJDEP to correct problems at the South Middlebush Road/Black Wells Mills Road intersection and the impact of an improved traffic signal at the South Middlebush Road/Amwell Road intersection on Thompson Park and O’Connors (Colonial Farms) restaurant.

Mayor Eberle noted:

1. Need to clarify to the public that the Council wants to provide the desired recreational facilities but requires proper planning and funding first.
2. Paid homage to the family and friends of the people who lost their lives in the September 11th terrorist attack.

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:

REGULAR MEETING - MARCH 12, 2002**Property Acquisition - Open Space and Other Public Use Acquisitions**

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.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, assembled in public session on this 12th day of March, 2002, that an Executive Session closed to the public shall be held on March 12, 2002, at 10:40 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;

This Resolution shall take effect immediately.

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

Council adjourned to Executive Session at 10:40 p.m. Meeting resumed and was immediately adjourned at 11:32 p.m.

SHIRLEY EBERLE, MAYOR

JEAN C. PELLICANE, RMC, TOWNSHIP CLERK