

**WORK SESSION/REGULAR MEETING OF THE TOWNSHIP COUNCIL**  
**TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, NEW JERSEY**  
**MARCH 25, 2003**

The Work Session/Regular Meeting of the Township Council of the Township of Franklin, County of Somerset, New Jersey, held at 475 DeMott Lane, Somerset, was called to order by the Mayor at 7:14 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 Brian Levine.

The Acting Township Clerk called the roll.

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

Absent: Ms. Barrier, Mr. Chivukula, Mr. Mazzola

Also Present: Louis N. Rainone, Esq., Township Attorney, Marc D. Dashield, Assistant Township Manager/Acting Township Clerk, Jean C. Pellicane, RMC, Township Clerk

**5. COMMENDATION – JEAN C. PELLICANE, RMC, TOWNSHIP CLERK**

**Read by Deputy Mayor Grippo**

**WHEREAS, JEAN C. PELLICANE**, has served the residents, most especially the Township Council, of the Township of Franklin, serving as Township Clerk from 1988 to 2003 and as Secretary to the Township Manager 1965 to 1973, and Administrative Aide to the Planning Board 1979 to 1984; and

**WHEREAS**, during her tenure **JEAN C. PELLICANE** has succeeded in demonstrating excellence in local government service; and

**WHEREAS, JEAN C. PELLICANE** is retiring from the Franklin Township,

**NOW, THEREFORE, I, WILLIS SUMTER, MAYOR** of the Township of Franklin in the County of Somerset, State of New Jersey, on behalf of the Township Council and all of the residents do hereby thank

***JEAN C. PELLICANE***

for her dedication and service to our community and for the benefits reaped by the Township of Franklin through her efforts and do hereby extend to

***JEAN C. PELLICANE***

and her family, best wishes for success and happiness in their future endeavors.

Commendation was presented by Mayor Willis Sumter. Members of the Council added their commendations.

**COMMENDATION – OFFICER LAWRENCE LIPOWSKI – “OFFICER SANTA”**

**Read by Deputy Mayor Grippo**

**WORK SESSION/REGULAR MEETING – MARCH 25, 2003**

**BE IT KNOWN THAT I, WILLIS SUMTER, 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

***OFFICER LAWRENCE LIPOWSKI***

for his twelve years of selfless service to the Franklin Township community by organizing an annual holiday toy drive that brings joy to sick and needy children. His caring efforts in the community bring great credit to himself and the Franklin Township Police Department.

The Commendation was presented to Officer Lawrence Lipowski by Mayor Sumter.

**COMMENDATIONS – MEMBERS OF BOARDS & COMMITTEES WHOSE APPOINTMENTS HAVE EXPIRED**

**Read by Deputy Mayor Grippo**

**I, WILLIS "RICKEY" SUMTER, MAYOR OF THE TOWNSHIP OF FRANKLIN IN THE COUNTY OF SOMERSET AND STATE OF NEW JERSEY** do hereby extend to the following individuals, whose terms of appointment expired on December 31, 2002 or January 30, 2003, the appreciation and commendation of the Township Council for the time and effort they have dedicated to the betterment of the community by serving on the various boards, commissions, and committees of the Township of Franklin:

**BOARD OF ADJUSTMENT**

Edward Caraway

**HUMAN RELATIONS COMMISSION**

Jeff Lampl

**RECREATION COUNCIL**

James Kuligowski

Jonathan Kuligowski

Chantae Stone

**ENVIRONMENTAL COMMISSION**

Ryke Suydam

**SENIOR ADVISORY COMMITTEE**

Charles Seigel

Isabella McKenna

John Grosso

Thomas Allaway

Zola Surratt

**REDEVELOPMENT AGENCY**

Shawn Harvey

Certificates of Service will be sent to each honoree.

**CONDOLENCES – FLORENCE F. RANDOLPH – FORMER BOARD SECRETARY/SCHOOL ADMINISTRATOR**

**Read by Deputy Mayor Grippo**

**BE IT KNOWN** that the Mayor and Township Council of the Township of Franklin in the County of Somerset, State of New Jersey do hereby express its appreciation for the contributions to our community by

**FLORENCE F. RANDOLPH**

Board Secretary/School Administrator to the Franklin Township Board of Education from 1953 to 1978; and

**BE IT KNOWN** that the Mayor and Township Council do express their heartfelt condolences to the family and friends of

**FLORENCE F. RANDOLPH**

**WORK SESSION/REGULAR MEETING – MARCH 25, 2003**

on her passing from this life in 2003, knowing that the memory of her deeds and services to the Township of Franklin will always be a source of fond remembrance to the many who benefited from her dedication.

Presented to Donald Randolph, son of the late Florence Randolph. Comments were made by Donald Randolph, Kenneth Langdon, President of Board of Education during Florence's tenure, and Ray Ganim, successor as Board Secretary after her retirement.

**6. REVIEW PREPARED AGENDA:****11. ORDINANCE HEARING – CHAPTER 112, DEVELOPMENT – SECTION 112-9, SUPPLEMENTAL REGULATIONS, SUBSECTION I (2) LANDSCAPING REGULATIONS, SCHEDULE 6, LANDSCAPING BUFFER REQUIREMENTS – AMEND M-2 BUFFFER REQUIREMENTS**

Council reviewed March 21<sup>st</sup> memo from Frank Hasner, Director of Economic Development, noting that the Open Space Committee and the Board of Adjustment has concerns about the ordinance and suggesting that Council postpone the hearing to allow him time to address their concerns. Council concurred and moved to carry the public hearing on this ordinance to April 8<sup>th</sup>.

Motion was made by Mr. Mettler and seconded by Deputy Mayor Grippo. Acting Township Clerk Dashield polled the Board, the vote being as follows:

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

Motion was carried.

**12. ORDINANCE HEARING – BOND ODINANCE – AMEND ORDINANCE NO. 3256 AND 3293, ACQUISITION OF LANDS FOR OPEN SPACE AND FARMLAND - \$124,400,000.00 – AMEND DESCRIPTION TO ADD BLOCK 135.01/LOTS 23/25, LOCATED AT 56 MILLSTONE ROAD AND BLOCK 507/LOT 27 LOCATED AT CEDAR GROVE LANE AND WESTON ROAD**

Township Clerk Pellicane noted that the newspaper publication of this ordinance summary and notice contained an incorrect address for one of the properties to be purchased. Therefore, Bond Attorney Cheryl Oberdorf has advised that the ordinance summary must be republished. The corrected ordinance summary will be published for public hearing on April 8, 2003 and the hearing must be deferred to that date. Council concurred.

**13. ORDINANCE HEARING – ACQUISITION – BLOCK 135.01/LOTS 23-25, ADD 56 MILLSTONE ROAD AND BLOCK 507/LOT 27 CEDAR GROVE LANE AND WESTON ROAD FOR PURCHASE FOR OPEN SPACE**

Township Clerk Pellicane noted that the newspaper failed to publish this ordinance summary and notice. The corrected ordinance summary and notice will be published for public hearing on April 8, 2003 and the hearing must be deferred to that date. Council concurred.

WORK SESSION/REGULAR MEETING – MARCH 25, 200319. ORDINANCE INTRODUCTION – AMEND CODE – CHAPTER 226, VEHICLES & TRAFFIC – SECTION 226-32, CONSTRUCTION & MAINTENANCE OPERATIONS – TRAFFIC CONTROL FOR STREET AND HIGHWAY CONSTRUCTION AND MAINTENANCE OPERATIONS

In response to a question from Mr. Levine, Township Attorney Rainone advised that, based on court rulings, all work done by police officers in off-duty time must be in uniform, and must be paid for through the community.

7. COUNCIL DISCUSSION ITEMSa. Community Development Block Grant Program Hearing:

Bonnie von Ohlen, Grants Coordinator, reported as follows:

Notices of this public hearing were provided in the following forms:

- i. A display ad in the Home News
- ii. A legal ad in the Courier News
- iii. A public hearing notice on the Franklin Township website.
- iv. Notices in the municipal building and the library
- v. Notices were mailed to individuals and non-profit organizations that have requested to be on the mailing list or have expressed interest in the CDBG program information.

The Township has a citizen participation plan for its Community Development Block Grant (CDBG) program. According to the program regulations, citizens, non-profit organizations and other interested parties must be afforded adequate opportunity to review and comment on the original citizen participation plan, the consolidated plan, substantial amendments to these plans, and the annual performance report.

Last year the Township began implementation of its *Consolidated Plan/Annual Action Plan (CP/AAP)* which outlines the needs and objectives of the Township's low and moderate-income population and activities funded to meet those needs. The Township had previously participated in the Somerset County Urban County Community Development Program since its inception and is still in a consortium arrangement with the County for HOME funds. **Franklin Township anticipates \$388,000 in Community Development Block Grant (CDBG) funds.**

This past year, there was some delay in program implementation as the grant agreement from HUD was not received until mid-October and the Program Year was expected to begin September 1. However, I am happy to report that last year's projects are underway. One of them is before you tonight for your approval – the Policy and Procedures Manual for the Housing Rehabilitation Grant Program.

The Township has recently closed its application period for this program year. The schedule for development of the plan is as follows:

The Council will review the applications and hopefully make a decision at their April 22, 2003 meeting.

A review period for Action Plan follows (30 days) for the month of May.

On or before July 15, 2003 the Action Plan is submitted to HUD with an expectation that the Program Year begins on September 1, 2003.

This year we received six applications totaling \$405,703. The Council may want to continue funding the Housing Rehabilitation Program. This is the most pressing need that I see on a day-to-day basis. With the existing funds (\$100,000) only approximately 4-5 homes will be rehabilitated. Some of the households have

**WORK SESSION/REGULAR MEETING – MARCH 25, 2003**

been on the list since 1996. We have over 75 on the recently reviewed list. This is without advertising the program. It is probably the most practical, direct use of CDBG funds to revitalize an area and personally benefit low-income households. Lower income households do not have the financial means to make improvements to their homes. Maintenance and minor improvements are deferred with limited incomes.

Organizations seeking Block Grant presented their proposals:

Franklin Township Department of Parks and Recreation, Alice Osipowitz, Director –

- (a) \$50,000 Grant to purchase two mini-buses with handicapped lifts for senior/disabled low-income residents, and the many other programs offered to disabled children and adults.
- (b) \$40,000 Grant for the purchase, installation of and engineering for a new picnic shelter in Bascom Park, located within a HUD census tract making it eligible for the funding.

Franklin Township Food Bank, Denis McGrath, Executive Director - \$8,903.00 Grant to improve property at the corner of Battle Place and Millstone Road being purchased by Township for use as a community garden. The Grant will be used to provide 8' square plots separated by gravel, provide improved soil, fencing. The property, located in the census area with lowest mean average income would be used to encourage people to grow their own fruits and vegetables and donate excess produce to the Food Bank.

Earth House, James Karwoski, Director – \$9,300 Grant to providing for the rehabilitation of bathrooms within their Canal Road facility used for treating mental illness through alternative methods. Located in historic dwelling along the Canal

Somerset County Council On Affordable Housing, Sharon Clark, Executive Director – \$9,500 to provide housing counseling for low and moderate income families, a large percentage of whom are Franklin Township residents or employees.

Somerset Community Action Program, not represented - \$180,000 for renovation of facility for childcare program.

Franklin Township, Bonnie von Ohlen - \$100,000 for continuation of Township Housing rehabilitation program.

Council noted that the Grant applications total \$405,703. The Township's entitlement is \$388,000, with \$77,600 to be spent for administration, leaving an available amount of \$310,400. Deputy Mayor Grippo requested a recommendation from the Township Manager on the distribution of the funds. Mr. McKenzie noted that the Financial Oversight Subcommittee reviewed and made recommendations in 2002 and questioned the adoption of the CDBG Procedural Manual. Council concurred that the Financial Oversight Subcommittee should review and recommend, and Assistant Township Manager Dashield advised that the adoption of the Procedural Guide appears on the Consent Agenda for this evening.

At this time, Deputy Mayor Grippo suggested that the agenda be amended to complete the discussion items, ordinance hearings and introductions and Consent Agenda before Public Discussion and Council Comments so that the public discussion period can continue as long as desired without the stress of knowing the business portion still awaits. Council concurred.

**WORK SESSION/REGULAR MEETING – MARCH 25, 2003****b.** Blueprint for Intelligent Growth “BIG” Map

Deputy Mayor Grippo suggested that this matter be deferred until Councilman Chivukula is present. Mr. Mettler concurred, noting that Ms. Barrier also wants to be present for this discussion. Council concurred.

**c.** Purchase of property Veronica Avenue - Block 88.02/ Lot 66.02

Council reviewed March 11<sup>th</sup> report from Frank Hasner, Director of Economic Development noting that this sale

- (1) would provide the possibility of a second means of ingress and egress for some prospective development along a completed Roosevelt Avenue;
- (2) would provide the possibility of a looped water system;
- (c) would have a small isolated lot that has no apparent municipal function to the tax roles with a positive economic impact.

Council reviewed March 6<sup>th</sup> report from Scott M. Thomas, Senior Engineer, noting that it is in the Township’s best interest to sell the lot.

Marc Dashield, Assistant Township Manager, requested Council’s authorization to have the application to purchase referred to the Open Space Committee for review and determination. Mr. Hasner questioned the need to refer the application to the Open Space Committee since it represents .10% of an acre and wedged between two industrial buildings. Township Attorney Rainone agreed that the parcel is not an open space issue.

Mr. Levine questioned the advisability of conditioning the sale of the parcel to the road/waterline. Mr. Mettler noted that the property might involve wetlands. Mr. Hasner replied that the wetlands are delineated on the map contained in the Engineering report. Most of the parcel is outside the wetlands and its purchase allows the road to be extended without going into wetlands.

Council authorized the Assistant Township Manager to obtain the fair market value of the parcel from the Tax Assessor and prepare an ordinance authorizing the sale for introduction.

**8. APPROVAL OF MINUTES – WORK SESSION – 3/04/03; REGULAR MEETING – 3/11/03; EXECUTIVE SESSIONS – 3/04/03 & 3/11/03**

Mr. Mettler noted that Ms. Barrier, who will be present later, has noted that she has some corrections and requested that the March 11<sup>th</sup> Minutes be deferred to April 8<sup>th</sup>.

Motion was made by Mr. Levine and seconded by Mr. Metter to approve minutes of the Work Session and Executive Session of March 4, 2003.

Acting Township Clerk Dashield polled the Board, the vote being as follows:

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

Motion was carried.

WORK SESSION/REGULAR MEETING – MARCH 25, 20039. WARRANTS – MARCH 25, 2003

Read by Acting Township Clerk Dashield

1	Current Fund	457,705.90
5	Water Operating	355,824.70
6	Water Capital	2,632.50
4	General Capital	133,188.64
15	General Trust	24,865.50
18	Self Insurance Trust Fund	4,974.96
21	Recreation Trust	841.74
12	Open Space Trust	53,615.50
2	Grant Fund	23,969.83
17	Workers' Compensation Unemployment Trust	0
	Employee Payroll Deduction	0
3	Collector Trust	40,330.76
14	Dog Revenue	3,351.40
	Community Foundation	0
22	General Ledger: Current	0
13	Redevelopment Agency	193.20
23	Agency Payroll	0
	<b>SUB-TOTAL</b>	<b>1,101,494.63</b>
25	Escrow Account	30,983.75
19	Voided Checks	0
20	Adjustments	0
	<b>GRAND TOTAL</b>	<b><u>\$1,132,478.38</u></b>

Motion was made by Mr. McKenzie and seconded by Ms. Eberle to approve the Warrants. Acting Township Clerk Dashield polled the Board, the vote being as follows:

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

Motion was carried.

10. ORDINANCE HEARING – BOND ORDINANCE – AMEND ORDINANCE NO. 3180 & 3278 – IMPROVEMENT OF VARIOUS PARKS – ADDITIONAL \$210,000.00

Acting Township Clerk Dashield read by title:

“BOND ORDINANCE AMENDING AND SUPPLEMENTING BOND ORDINANCE NUMBER 3180 FINALLY ADOPTED BY THE TOWNSHIP COUNCIL OF 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”, AS AMENDED BY BOND ORDINANCE NUMBER 3278 FINALLY ADOPTED ON MARCH 15, 2002, TO INCREASE THE APPROPRIATION THEREIN BY \$210,000, TO INCREASE THE AUTHORIZATION OF BONDS OR NOTES THEREIN BY \$199,500 AND TO AMEND THE DESCRIPTION THEREOF”. Acting Township

**WORK SESSION/REGULAR MEETING – MARCH 25, 2003**

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

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

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

No one from the public spoke.

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

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

Motion was carried.

**11. ORDINANCE HEARING – CHAPTER 112, DEVELOPMENT – SECTION 112-9, SUPPLEMENTAL REGULATIONS, SUBSECTION I (2) LANDSCAPING REGULATIONS, SCHEDULE 6, LANDSCAPING BUFFER REQUIREMENTS – AMEND M-2 BUFFER REQUIREMENTS**

As noted during the review of tonight's agenda, Mr. Mettler moved to defer the hearing on this ordinance to April 8<sup>th</sup>. Mr. McKenzie seconded the motion. Acting Township Clerk Dashield polled the Board, the vote being as follows:

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

Motion was carried.

**12. ORDINANCE HEARING – BOND ORDINANCE – AMEND ORDINANCE NO. 3256 AND 3293, ACQUISITION OF LANDS FOR OPEN SPACE AND FARMLAND - \$14,400,000.00 – AMEND DESCRIPTION TO ADD BLOCK 135.01/LOTS 23-25 LOCATED AT 56 MILLSTONE ROAD AND BLOCK 507/LOT 27 LOCATED AT CECAR GROVE ROAD AND WESTON ROAD**

As noted during the review of tonight's agenda, the ordinance notice and summary publication were defective and have been republished for public hearing on April 8<sup>th</sup>.

**WORK SESSION/REGULAR MEETING – MARCH 25, 2003**

**13. ORDINANCE HEARING – ACQUISITION – BLOCK 135.01/LOTS 23-25, ADD 56 MILLSTONE ROAD AND BLOCK 507/LKOT 27 CEDAR GROVE AND WESTON ROAD FOR PURCHASE OPEN SPACE**

As noted during the review of tonight’s agenda, the ordinance notice and summary publication were defective and have been republished for public hearing on April 8<sup>th</sup>.

**14. PUBLIC DISCUSSION**  
**15. COUNCIL COMMENTS**

These items were deferred until after the Consent Agenda

**16. ORDINANCE INTRODUCTION – AMEND CODE – CHAPTER 52, SALARIES & COMPENSATION, SECTION 52-10, ANNUAL SALARY 911 TELECOMMUNICATORS & FIRE PREVENTION OFFICERS (2002-2004)**

Acting Township Clerk Dashield read by title:

**"AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 52 – SALARIES & COMPENSATION – SECTION 52-10, ANNUAL SALARY FOR 911 TELECOMMUNICATORS & FIRE PREVENTION OFFICERS (ADD SALARIES FOR 2002-2004 AND ADD SALARIES & LONGEVITY)"** which is presented to Council for adoption on first reading, posting, publication in accordance with law for public hearing on April 22, 2003.

Deputy Mayor Grippo so moved. Mr. Levine seconded the motion. Acting Township Clerk Dashield polled the Board, the vote being as follows:

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

Motion was carried.

**17. ORDINANCE INTRODUCTION –AMEND CODE – CHAPTER 226 – VEHICLES & TRAFFIC – AMEND SECTION 226-17, VEHICLES OVER DESIGNATED WEIGHT EXCLUDED – CHURCHILL AVENUE, SHIRLEY AVENUE, ANNAPOLIS STREET AND BERRY STREET**

Acting Township Clerk Dashield read by title:

**"AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKIN, SOMERSET COUNTY, NEW JERSEY, MPORE PARTICULARLY CHAPTER 226, SECTION 226-17, VEHICLES OVER DESIGNATED WEIGHT EXCLUDED (CHURCHILL AVENUE, SHIRLEY AVENUE, ANNAPOLIS STREET, BERRY STREET)"** which is presented to Council for adoption on first reading, posting, publication in accordance with law for public hearing on April 22, 2003.

Deputy Mayor Grippo so moved. Mr. Levine seconded the motion. Acting Township Clerk Dashield polled the Board, the vote being as follows:

**WORK SESSION/REGULAR MEETING – MARCH 25, 2003**

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

Motion was carried.

**18. ORDINANCE INTRODUCTION – AMEND CODE – CHAPTER 236 ARTICLE IV, WATER RATES AND METER CHARGES – SECTION 16, METER CHARGES (ADD CHARGE FOR RE-READING OF METERS)**

Acting Township Clerk Dashield read by title:

"ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 236, WATER – ARTICLE IV, WATER RATES AND METER CHARGES – SECTION 16, METER CHARGES " which is presented to Council for adoption on first reading, posting, publication in accordance with law for public hearing on April 22, 2003.

Mr. McKenzie so moved. Ms. Eberle seconded the motion. Acting Township Clerk Dashield polled the Board, the vote being as follows:

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

Motion was carried.

**19. ORDINANCE INTRODUCTION – AMEND CODE – CHAPTER 226, VEHICLES & TRAFFIC – SECTION 226-32, CONSTRUCTION & MAINTENANCE OPERATIONS – TRAFFIC CONTROL FOR STREET AND HIGHWAY CONSTRUCTION AND MAINTENANCE OPERATIONS**

Acting Township Clerk Dashield read by title:

"AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 226, VEHICLES AND TRAFFIC, SECTION 226-32 – TRAFFIC CONTROL FOR STREET AND HIGHWAY CONSTRUCTION AND MAINTENANCE OPERATIONS" which is presented to Council for adoption on first reading, posting, publication in accordance with law for public hearing on April 22, 2003.

Mr. McKenzie so moved. Ms. Eberle seconded the motion. Acting Township Clerk Dashield polled the Board, the vote being as follows:

**WORK SESSION/REGULAR MEETING – MARCH 25, 2003**

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

Motion was carried.

**20. ORDINANCE INTRODUCTION – LEASE AGREEMENT FOR CAPITAL EQUIPMENT – SOMERSET COUNTY IMPROVEMENT AUTHORITY – VARIOUS VEHICLES & EQUIPMENT**

Acting Township Clerk Dashield read by title:

"AN ORDINANCE AUTHORIZING THE LEASE OF CERTAIN CAPITAL EQUIPMENT BY THE TOWNSHIP OF FRANKLIN, NEW JERSEY, FROM THE SOMERSET COUNTY IMPROVEMENT AUTHORITY AND THE EXECUTION OF A LEASE AND AGREEMENT RELATING THERETO" which is presented to Council for adoption on first reading, posting, publication in accordance with law for public hearing on April 22, 2003.

Deputy Mayor Grippo so moved. Mr. Mettler seconded the motion. Acting Township Clerk Dashield polled the Board, the vote being as follows:

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

Motion was carried.

**21. RESOLUTION - CONSENT AGENDA**

**Read by Acting Township Clerk Dashield**

The items listed within the 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.

Deputy Mayor Grippo commented on Consent Agenda Resolution F that the 4<sup>th</sup> of July committee has sent out fundraising letters and hopes to fundraise the cost of fireworks and entertainment for the community event.

Deputy Mayor Grippo congratulated Murray Rothblatt on his appointment to the volunteer position of Wildlife Control Officer as set forth in Consent Agenda Resolution R. All members of Council added their congratulations.

A. Tax Title Lien Redemptions:

Gadre, Anand & Shraddha – Block 20.10/ Lot 11.02 - C1609 - \$208.32 –  
163 Columbus Drive

**WORK SESSION/REGULAR MEETING – MARCH 25, 2003**

Gadre, Anand & Shraddha – Block 20.10/ Lot 11.02 – C11609 - \$221.24-  
163 Columbus Drive  
Spellman, Frances - Block 34.07/Lot 16.07 - C0071 - \$420.38 – 65  
Caitlin Court  
Christian, Olga – Block 20.04 Lot 11.01 - C4008 - \$18,615.89 – 27  
Balboa Lane  
48 Berry Street Corp. – Block 108/ Lot 38 - \$1,807.95 – 48 Berry Street  
Locke, J. & ET Al – Block 330/12 - \$19,056.98 – 12 Maxwell Lane

- B. Tax Remittals:  
Block 424.12/ Lot 2.32 - \$10,341.20
- C. Tax Overpayment – Various
- D. Agreement - Cleopatra Corporation – Authorize payment of water and accrued interest by installments equaling \$1,946.01 —Block 424.10/ Lot 97
- E. Budget - Change of Text or Title –the inclusion of \$6,848.00 from matching funds to Planning Partnership Program Grant
- F. Professional Service Agreement/Artistic Endeavor - International Fireworks - July 4<sup>th</sup> Celebration - \$11,000.00
- G. Contract – Somerset County Coalition on Affordable Housing – Administration of Affordable Housing – July1, 2003 – June 30, 2004 - \$70,000.00
- H. Grant Application – NJ DOT Livable Communities Grant - Hamilton Street - \$100,000.00
- I. Grant Application – NJDOT Transportation Enhancement Grant – Acquisition of the Franklin Inn Complex – Not to exceed \$300,000.00
- J. Grant Application – US Fire Administration, Federal Emergency Management Agency - Firefighters Grant Program - \$750,000.00
- K. Escrow Release – Plan Review  
Steven Kovac – ZBA2001-0731 - \$180.00
- L. Performance Guarantee Reduction – Baumley Nursery LLC – Docket # PLN2001-0043 - \$89,280.76 to \$26,783.92
- M. Performance Guarantee Reduction – Princeton Highlands Developers, LLC – Docket #P98076P - \$484,000 to \$72,600.00
- N. Permit – Access Street Intersection- Block 32/ Lot 1.02 Route 27 & Vilet Road – Penn Real Estate
- O. Approval of Policy and Procedure Manual for Community Development Block Grant Housing Rehabilitation Program
- P. Application to hold fireworks display on Friday July 4<sup>th</sup>, 2003
- Q. Contract – Firefighters Mutual Benevolent Association, Local 88 (FMBA) January 1, 2002 – June 30, 2005
- R. Designating Murray Rothblatt as a volunteer Wildlife Control Officer
- S. Junk Yard License – Somerset Recycling Center Incorporated – April 1, 2003 – March 31, 2004

**WORK SESSION/REGULAR MEETING – MARCH 25, 2003**

- T. Professional Services Agreement – Civil Solutions – GIS layer development and customization services - \$58,270.00
- U. Amend Professional Services Contract – Joseph Mazotas Inc – Appraisal Services – additional \$20,000.00
- V. Professional Services Contract – James Kissane – Architectural Services – Design Municipal Building Addition & Renovation - \$41,360.00
- W. Professional Services Contract – Sterling, Disanto & Associates – Appraisal Services – Tax Appeals – Not to Exceed \$36,750.00
- X. Budget – Chapter 159 – 2002 Body Armor Replacement Program Grant - \$9,089.64**
- Y. Authorize Raffle/Bingo Licenses**

**THE FOLLOWING ARE THE ITEMS OF THE CONSENT AGENDA:****A. 03-135 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:

<b><u>DATE OF SALE</u></b>	<b><u>BLOCK/LOT</u></b>	<b><u>NAME</u></b>	<b><u>AMOUNT</u></b>
April 10, 1997	20.10/11.02 C1609	GADRE, ANAND & SHRADDHA	\$ 208.32
June 08, 2000		163 Columbus Drive Franklin Park NJ 08823	221.24
<b>PAID:</b>	<b>February 28, 2003</b>	<b>CERT #98-164; 20-211</b>	
<b>LIENHOLDER:</b>	<b>Herbert Sehgel</b>	<b>Kingston NJ 08528</b>	
		<b>PO Box 284</b>	
June 8, 2000	20.04/11.01 C4008	CHRISTIAN, OLGA	18,615.89
		27 Balboa Lane Franklin Park NJ 08823	
<b>PAID:</b>	<b>March 14, 2003</b>	<b>CERT #20-30</b>	
<b>LIENHOLDER:</b>	<b>Julius Bader Trustee</b>	<b>Barnegat Light NJ 08006</b>	
		<b>PO Box 877</b>	
June 7, 2001	34.07/16.07 C0071	SPELLMAN, FRANCES	420.38
		65 Caitlin Court Franklin Park NJ 08823	
<b>PAID:</b>	<b>February 25, 2003</b>	<b>CERT #01-148</b>	
<b>LIENHOLDER:</b>	<b>James Pilewski</b>	<b>Warren NJ 07059</b>	
		<b>3 Devon Lane</b>	
June 13, 2002	108/38	48 BERRY STREET CORP.	1,807.95
		48 Berry Street, Somerset NJ 08873	
<b>PAID:</b>	<b>March 7, 2003</b>	<b>CERT #020064</b>	
<b>LIENHOLDER:</b>	<b>Crusader Servicing Corporation</b>	<b>Jenkintown PA 19046</b>	
		<b>179 Washington Lane</b>	

**WORK SESSION/REGULAR MEETING – MARCH 25, 2003**

June 13, 2002      330/12      LOCKE, J. & ET AL      19,056.98  
 12 Maxwell Lane  
 Somerset NJ 08873  
 (28 Atlantic Road)  
**PAID:**      **March 3, 2003**      **CERT #020144**  
**LIENHOLDER:**      **American Tax Funding**  
                                  **PO Box 862658**      **Orlando FL 32888-2658**

**B. 03-136      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>
2003	424.12/2.32	Township of Franklin 475 DeMott Lane Somerset NJ 08873	Exempt	9,062.69

**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.

**C. 03-137      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.

<u>BLOCK/LOT</u>	<u>NAME/ADDRESS</u>	<u>QTR/YR</u>	<u>AMOUNT</u>
34.05/52.05	EDWARD SHAMY, ESQUIRE	3/03	21.04
C0316	2300 Route 27      North Brunswick NJ 08902	2/03	351.09
113/11	MANDELBAUM & MANDELBAUM	4/02	793.10
	80 Main Street      West Orange NJ 07052		
337/10	TRANSAMERICA FINANCE CORP.	1/03	1,306.04
	1201 Elm Street Suite 400 Dallas TX 75270		
424.04/79	CIRULLO, JOHN & LAURIE	3/03	.01
	25 Gloucester Drive      Somerset NJ 08873	2/03	2,017.30
424.12/2.32	LANFRIT, LISCINSKI & ROSENWASSER,	1/03	2,131.49
	P.C.	4/02	4,093.32
	265 Davidson Avenue Suite 205	3/02	706.39
	Somerset NJ 08873		

**D. 03-138      RESOLUTION - PAYMENT OF WATER AND ACCRUED INTEREST BY INSTALLMENTS - CLEOPATRA CORPORATION**

**WHEREAS**, Lot 97 in Block 424.10, as shown on the Tax Map of the Township of Franklin, County of Somerset and State of New Jersey, is assessed to Cleopatra Corporation; and

**WHEREAS**, Cleopatra Corporation presently owes the Township of Franklin back water for the above mentioned Lot; and

**WHEREAS**, Cleopatra Corporation proposes to pay the delinquent water and accrued interest regarding Lot 97 in Block 424.10 by installment payments pursuant to **NJSA 54:5-19**; and

**WORK SESSION/REGULAR MEETING – MARCH 25, 2003**

**WHEREAS**, as of March 25, 2003, the delinquent water and accrued interest for Lot 97 in Block 424.10 will equal an amount of \$1,946.01; and

**WHEREAS**, said proposal will require that Cleopatra Corporation will pay the Township of Franklin \$162.17 per month commencing on April 1, 2003 and continuing on the first (1<sup>st</sup>) day of each succeeding month until the required amount, together with accrued interest, is paid in full; and

**WHEREAS**, as a condition to permitting the water and accrued interest to be paid in installments, all utility payments must be paid in full on or before the due date thereof; and

**WHEREAS**, the Township of Franklin may issue a Tax Sale Certificate, conducting a tax sale and/or institute an In Rem Foreclosure proceeding regarding Lot 97 in Block 424.10, if tax and utility payments are not timely paid and/or monthly installment payment is not made when due;

**NOW, THEREFORE, BE IT RESOLVED** this 25th day of March 2003 that the Township Council of the Township of Franklin, County of Somerset and State of New Jersey, that Cleopatra Corporation may pay the water and accrued interest regarding Lot 97 in Block 424.10, pursuant to **NJSA 54:5-19**, in accordance with the installment schedule set forth herein and subject to all conditions contained herein.

**E. 03-139 RESOLUTION - CORRECTION TO FY03 BUDGET – PLANNING PARTNERSHIP PROGRAM GRANT - FRANKLIN TOWNSHIP ECONOMIC DEVELOPMENT PLAN PHASE II - \$6,848.00**

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

**NOW, THEREFORE, BE IT RESOLVED** that in accordance with the provisions of **NJS 40A:4-85**, the Township of Franklin in the County of Somerset, State of New Jersey hereby request the Director of the Division of Local Finance to make the following corrections in the budget of the year FY03:

<b>From: Matching Funds for Grants</b>	<b>\$6,848.00</b>
<b>To: Franklin Township Economic Development Plan Phase II</b>	<b>\$6,848.00</b>

**BE IT FURTHER RESOLVED** that the foregoing correction is, in the opinion of the Governing Body, warranted and authorized by the statute above referred to, and is necessary for the orderly operation of the Township of Franklin, Somerset County for the reasons hereinafter set forth: matching funds required for Franklin Township's Economic Development Plan Phase II

**E. 03-140 RESOLUTION - PROFESSIONAL SERVICE - INTERNATIONAL FIREWORKS MANUFACTURING COMPANY - JULY 4<sup>TH</sup> FIREWORKS EXHIBITION - AN AMOUNT NOT TO EXCEED \$11,000.00**

**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

**WORK SESSION/REGULAR MEETING – MARCH 25, 2003**

**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: International Fireworks Manufacturing Company**

**ADDRESS: PO Box 6 Sycamore Road Douglassville PA 19518**

**CONTRACT AMOUNT: Not to exceed \$11,000.00**

**SERVICE: July 4<sup>th</sup> Fireworks Exhibition for the Township of Franklin, Somerset County**

**G. 03-141 RESOLUTION - CONTRACT - SOMERSET COUNTY COALITION ON AFFORDABLE HOUSING - ADMINISTRATION OF AFFORDABLE HOUSING - \$70,000.00**

**BE IT AND IT IS HEREBY RESOLVED** by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey, that the Mayor and Township Clerk are hereby authorized to execute on behalf of the Township, a contract with Somerset County Council on Affordable Housing for the period July 1, 2003 to June 30, 2004 for the administration of the Township's Affordable Housing Program at a cost of \$70,000.00; and

**BE IT FURTHER RESOLVED** that this authorization is subject to amendment of the Contract document, on file with the Township Clerk and available for public inspection, as to Compensation to provide the Township a period of 60 days for payment of monthly service fee before interest shall be charged.

**BE IT FURTHER RESOLVED** that this contract is subject to the availability of funds in the FY2004 Budget and this contract can be cancelled if funding is not available.

**H. 03-142 RESOLUTION - NEW JERSEY DEPARTMENT OF TRANSPORTATION APPLICATION, AND AGREEMENT FOR STATE AID TO COUNTIES AND MUNICIPALITIES UNDER THE NEW JERSEY TRANSPORTATION TRUST FUND AUTHORITY ACT AND LOCAL BRIDGE BOND ACT**

**BE IT AND IT IS HEREBY RESOLVED** that application is hereby made to the Commissioner of Transportation for an allotment of aid under the New Jersey Transportation Trust Fund Authority Act, the Bridge Bond Act, or a combined allotment for the improvement of **Hamilton Street Transportation Improvements; Hamilton Street from Franklin Boulevard to New Brunswick border in the Township of Franklin, County of Somerset, State of New**

**WORK SESSION/REGULAR MEETING – MARCH 25, 2003**

**Jersey for a distance 1.5 miles** (or such portion thereof as may be approved by the Commissioner of Transportation). The total cost estimated for this improvement is **\$100,000**. The Sponsor requests **\$100,000** in State funds and anticipated contributing \$ -0-; and

**BE IT RESOLVED** that any aid received as a result of this application will only be used for eligible cost for the project.

**Type of Improvement**

Intersection Improvement

**Scope of Work**

Franklin Township is requesting funds from the NJ Department of Transportation Livable Communities Pilot Program funds to implement circulation and parking improvements to its Hamilton Street Business District. **The project addresses the Livable Communities criteria by encouraging economic activity to redevelop that section of the Township that has suffered from disinvestment as a result of sprawl development.**

**Total Estimated Cost of Improvement**

Construction Cost	\$100,000
Design Engineering	N/A
Right-of-Way Costs	N/A
Construction Inspection and Material Testing	N/A
Total Estimated Cost	\$100,000

**Project Information**

Is utility work planned within the project limits over the next five (5) years? No

Is the purchase of right-of-way required before the start of project construction? No

Does the project intersect a State Highway? No

Is the intersection signalized?

Is there a railroad crossing with the project limits? No

Is there a railroad crossing 1,000 feet outside of the project limits? No

Will the construction impact traffic across a railroad crossing outside the project limits? No

**BE IT FURTHER RESOLVED** that if this application is approved and accepted by the New Jersey Department of Transportation (the "Department"), the Sponsor agrees that:

a. It shall arrange for financing of the total cost of the project provided for in this Agreement.

b. It recognizes and agrees that continuation of funding under this Agreement is expressly dependent upon the availability to the Department of funds appropriated by the State Legislature from State revenues or such other funding sources as may be applicable. The Department shall not be held liable for any breach of this Agreement because of the absence of available appropriation.

c. In the event that the Department approves funds in an amount less than requested, the Sponsor, at its option, 1) may either rescind this Agreement or 2) continue with the project and assume the entire difference between the total costs of the project and the allotment of State funds or 3) reevaluate the project limits or scope and submit a revised Resolution, Application, and Agreement for Department approval. In the event the Sponsor rescinds the Agreement, the allotted funds shall revert to the source of the funding.

d. The Sponsor must notify the Department of its rescision of this Agreement within sixty (60) days of its receipt of notification of the amount allotted by the Department.

e. Any purported transfer or assignment of the written obligations of the Sponsor contained herein without prior approval of the Department shall be void.

f. Failure to comply with all provisions contained in this Resolution, Application and Agreement may result in the suspension and/or termination of funding as defined and enumerated in Office of Management & Budget's Circular 89-19.

**WORK SESSION/REGULAR MEETING – MARCH 25, 2003**

g. The work to be performed by the Sponsor under this Agreement shall include but not be limited to the following:

1. Preparation of contract drawings and supplementary specifications.
2. The acquisition of all necessary right-of-way, easements, slope rights and permits.
3. Construction of the above referenced improvement.
4. Monitoring and supervising compliance with all provisions of this Agreement.

h. It shall defend, indemnify, protect and save harmless the State and its officers, agents, servants, and employees from and against any and all suits, claims, demands or damages of whatsoever kind and nature arising out of, or claimed to arise out of, any act, error or omission of the Sponsor, its consultants, contractors, agents, servants and employees in the performance of the work of the project including, but not limited to, expenditures for and costs of investigations, hiring of expert witnesses, court cost, counsel fees, settlements, and judgements.

i. It shall engage a Professional Engineer, registered in the State of New Jersey, for design services on the project. In its agreement for professional services, the Sponsor shall require the provision of professional liability insurance or errors and omissions insurance sufficient to protect against liabilities arising out of the professional obligations performed pursuant to the agreements.

j. In its agreements for professional and non-professional services, the Sponsor shall require the provisions of public liability insurance and every such policy shall include the Sponsor and State as additional named insured.

k. All design work shall conform to the applicable American Association of State Highway and Transportation Officials (AASHTO) Design criteria and the Department's Bicycle Compatible Roadways and Bikeways Planning and design Guidelines. The design of traffic barriers and drainage systems shall conform to the Department's Roadway Design Manual. No deviation shall be allowed without the knowledge of the Department. If there is deviation from those standards, the Sponsor shall accept any and all responsibility for any injury or damage by such deviation to any person or property and shall indemnify the State as outlined in this Agreement. All designs shall also conform to the current "Manual On Uniform Traffic Control Devices" published by Federal Highway Administration.

l. It shall provide maps, reports, detailed plans, supplementary specification and contract documents required by the Department.

m. All workmanship and materials shall conform to current "New Jersey Department of Transportation Standard specifications for Road and Bridge Construction" as amended for State Aid.

n. It is the responsible authority, without recourse to the state, regarding the settlement and satisfaction of all contractual and administrative issues arising out of the procurement entered in support of this funding.

o. Prior to advertising for bids, the Sponsor shall notify the Department if it intends to substantially change the scope of the project proposed in the Resolution, Application, and Agreement. No substantial change shall be included in the project unless it has been approved by the Department.

p. Any changes in work after the award of contract shall be documented with a Department approved change order.

q. Fifteen (15) calendar days prior to advertisement, the Sponsor shall submit the following to the Division of Local Government Services and Economic Development:

1. One (1) copy of the contract plans, specifications, engineer's estimate, and engineer's design certification.
2. Other documents as required.

**WORK SESSION/REGULAR MEETING – MARCH 25, 2003**

r. It shall advertise and award the contract in accordance with the provisions of the Local Public Contracts Law, NJSA 40A:11-1 et. seq.

s. It shall comply with all applicable Federal, State and Local laws, rules, ordinances and regulations.

t. Within thirty (30) calendar days of construction bids, unless the Department grants an extension of this time, the Sponsor shall submit the following to the Division of Local Government Services and Economic Development.

1. Two (2) copies of the summary of construction bids.
2. A resolution awarding the contract to the lowest responsible bidder submitting a responsive bid, subject to the approval of the Department.

u. It shall award a construction contract for the project within twelve (12) months of approval of this Resolution, Application, and Agreement by the Department. The Department in its sole discretion may grant an extension of this twelve (12) month period after receiving an adopted resolution containing the request from the Sponsor. The Department may cancel the funds allotted to the project if the Sponsor does not award the construction contract within the specified time.

v. Upon prior approval of the department, it may elect to undertake the work through the use of its own forces when it is deemed applicable and appropriate.

w. Neither design costs, the costs for acquisition of all necessary right-of-way, easements, slope rights, and permits nor utility costs shall be considered costs of the project for purposes of computation of the allotment of State Aid funds under this Agreement except in special cases approved by the Department.

x. State participation in the cost of the project shall not exceed the lesser of either one hundred (100%) percent of the cost of the completed construction work including eligible construction supervision, inspection and material testing, or the original allotment. State participation in inspection and material testing costs combined shall be limited to ten (10%) percent of the eligible construction work cost. The State shall not participate in costs that the Department determines to be beyond the scope of the purposes of the allotment, excessive or otherwise unallowable. The Sponsor shall be afforded an opportunity to challenge this determination at an informal hearing.

y. At the discretion of the Commissioner of Transportation, payment of the allotted funds may be made to the project Sponsor in the form of a grant. Grant payments shall be made as follows:

1. For Municipal Aid, Centers of Place, Bikeways, Pedestrian Safety and Discretionary Aid, a specified percentage as determined by the Commissioner, of the lesser of the eligible award amount or allotment amount shall be paid at the time of concurrence in the award of contract by the Department. The remaining percentage or balance of funds shall be paid upon submission of a final voucher with supporting information as required by the Department. The final voucher must be submitted to the Department within six (6) months of project completion.
2. For County Aid and the Local Bridge Bond Act, the full amount of the annual allotment amount shall be paid upon approval of the Capital Transportation Plan (CTP) and the execution of this Agreement.
3. If the Sponsor requests, project funding can be on a reimbursement basis. It shall request reimbursement from the department by submitting vouchers supplied by the Department. Progress payments of not less than \$50,000 may be made. The final voucher with supporting information as required by the Department, is to be submitted within six (6) months of project completion.

z. The Sponsor hereby certifies that all allotted funds shall only be spent on eligible costs for the approved project as described in this Agreement.

**WORK SESSION/REGULAR MEETING – MARCH 25, 2003**

aa. In the event allotted funds remain after completion of the work, the remaining funds shall revert to the source of the funding and shall be reallocated by the Department in a manner determined solely by the Commissioner of Transportation.

bb. In the event that the Department determines that it has reimbursed the Sponsor in an amount in excess of the funds actually due under this Agreement, the Sponsor shall, upon notice from the department, make timely repayments to the State. Upon failure of the Sponsor to timely repay such funds, the state is hereby authorized by this Agreement to deduct those funds from any monies due the Sponsor under the terms of any agreement between the State, its Departments and Agencies and the Sponsor or to gain reimbursement through any other remedies available at law or equity.

cc. It shall provide cost certification and maintain financial records relating to all costs for the project in accordance with NJAC 16:20A or 16:20B, as applicable, and comply with State of New Jersey audit requirements specified therein.

dd. It shall maintain complete documentation of the project for a period of three (3) years after receiving final reimbursement or payment by the State.

ee. It shall maintain the completed project in a manner satisfactory to the Department.

ff. It will comply with Title VI of the 1964 Civil Rights Act; and

**BE IT FURTHER RESOLVED** the Mayor and Township Clerk are hereby authorized to execute and attest this Resolution, Application and Agreement.

**I. 03-143 RESOLUTION - GRANT APPLICATION - NJDOT TRANSPORTATION ENHANCEMENT PROGRAM - ACQUISITION OF FRANKLIN INN COMPLEX - \$300,000.00**

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

**Acquisition of the Franklin Inn - \$300,000.00; and**

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

**J. 03-144 RESOLUTION - GRANT APPLICATION – US FIRE ADMINISTRATION -FEDERAL EMERGENCY MANAGEMENT AGENCY - FIREFIGHTERS GRANT PROGRAM - \$750,000.00**

**BE IT AND IT IS HEREBY RESOLVED** that the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey does hereby authorize the filing of a Grant application on behalf of three (3) Fire Districts to the US Fire Administration, Federal Emergency Management Agency to purchase equipment for use with the trunked radio system in the amount of \$750,000.00;

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

**K. 03-145 RESOLUTION - RELEASE OF PLAN REVIEW ESCROW - STEVEN KOVACS - DOCKET NO. ZBA2001-0731 - \$180.00**

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

**WORK SESSION/REGULAR MEETING – MARCH 25, 2003**

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

APPLICANT: STEVEN KOVACS  
 ADDRESS: 40 Rue Chagall  
 Somerset NJ 08873  
 DOCKET NO: ZBA2001-0731  
 BLOCK/LOT: 424.08/346  
 LOCATION: 40 Rue Chagall  
 AMOUNT DEPOSITED: \$300.00  
 AMOUNT CHARGED: 120.00  
 AMOUNT TO BE REFUNDED: \$180.00

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

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

**L. 03-146 RESOLUTION - PERFORMANCE GUARANTEE REDUCTION - BAUMLEY NURSERY, LLC - DOCKET NO. PLN2001-0043 - FROM \$89,280.76 TO \$26,783.92**

**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: BAUMLEY NURSERY, LLC  
 ADDRESS OF APPLICANT: 4339 Route 27 Princeton NJ 08540  
 NUMBER: Account No. 4581830301  
 INSURANCE CO./BANK: First Pioneer Farm Credit  
 9 Country Road 618 Lebanon NJ 08833-3028  
 IN THE AMOUNT OF: \$89,280.00

FOR: Site Improvements for Docket No. PLN2001-0043, Block 5.02/Lots 87-88 - 4339 Route 27; and

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

**WHEREAS**, the Township Engineer, after inspection, recommends reduction of the aforesaid Performance Guarantee to the amount of \$26,783.92;

**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 \$26,783.92.

**M. 03-147 RESOLUTION - PERFORMANCE GUARANTEE RELEASE - PRINCETON HIGHLANDS DEVELOPERS, LLC - WATER STORAGE TANK - DOCKET NO. P98076P - \$484,000.00**

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

ITEM: PERFORMANCE BOND

**WORK SESSION/REGULAR MEETING – MARCH 25, 2003**

NAME OF APPLICANT: PRINCETON HIGHLANDS DEVELOPERS LLC  
 ADDRESS OF APPLICANT: 3546 State Highway #27  
 Kendall Park NJ 08824

NUMBER: 3S 986 99100  
 INSURANCE COMPANY: Lumbermens Mutual Casualty Company  
 7470 N. Figueroa Los Angeles CA 90041  
 IN THE AMOUNT OF: \$484,000.00

FOR: Installation of Water Storage Tank, Docket No. P98076P - Block 11.01/Lot 54; 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 subject to receipt of a two (2) year Maintenance Bond in the amount of \$72,600.00; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin, Somerset County, New Jersey that the aforesaid Performance Guarantee be released to the above named applicant upon receipt of the aforesaid Maintenance Bond.

**N. 03-148 RESOLUTION – ACCESS STREET INTERSECTION PERMIT – BLOCK 32/Lot 1.02 – ROUTE 27 & VLIET ROAD – PENN REAL ESTATE**

**BE IT AND IT IS HEREBY RESOLVED** that the Township Council of the Township of Franklin, County of Somerset, State of New Jersey does hereby authorize the Mayor and Acting Township Clerk to execute an Access Street Intersection Permit, Number S-27-C0234-2000 for the right to construct, maintain and use access connecting Vliet Road to State Highway (Route 27), developed by Penn Real Estate.

**O. 03-149 RESOLUTION – APPROVE THE POLICY AND PROCEDURE MANUAL FOR COMMUNITY DEVELOPMENT BLOCK GRANT HOUSING REHABILITATION PROGRAM**

**WHEREAS**, the Township of Franklin, Somerset County has established a housing rehabilitation program funded through the Township's Community Development Block Grant (CDBG) Program funds; and

**WHEREAS**, the use of these funds in the Township's Housing Rehabilitation Program will be governed by applicable federal and state regulations; and

**WHEREAS**, these regulations required the development of a Policy and Procedural Manual for the Community Development Block Grant Housing Rehabilitation Program;

**NOW, THEREFORE, BE IT RESOLVED** that the Township of Franklin in the County of Somerset, State of New Jersey approves the Franklin Township Housing Rehabilitation Program Policy and Procedure Manual.

**P. 03-150 RESOLUTION – FOURTH OF JULY CELEBRATION - TOWNSHIP OF FRANKLIN - FIREWORKS DISPLAY – FRIDAY, JULY 4, 2003**

**WHEREAS**, the Township of Franklin has made application for permission to hold a fireworks display on Friday, July 4, 2003 in conjunction with Independence Day (rain date Saturday, July 5, 2003) to be conducted on Township Owned Property within the Municipal Complex; and

**WHEREAS**, the Uniform Fire Code (NJAC 5:18 et seq.) and the New Jersey Fireworks Act (NJSA 21:2-1 et. seq.) provides that the Governing Body of the Municipality may, upon application in writing, grant permission for a public display of fireworks by certain specified groups, including Municipalities;

**WORK SESSION/REGULAR MEETING – MARCH 25, 2003**

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Franklin, County of Somerset and State of New Jersey does hereby grant permission to the Township of Franklin to hold a public display of fireworks on Friday, July 4, 2003 in conjunction with Independence Day (rain date July 5, 2003) to be conducted on Township Owned Property within the Municipal Complex subject to the following conditions:

- (1) **Submission to the Director of Fire Prevention an application pursuant to and meeting the specifications of the Uniform Fire Code and the New Jersey Fireworks Act;**
- (2) **Approval of the location of the storage place for said fireworks by the Director of Fire Prevention;**
- (3) **Submission of Certificate of Insurance by the Township of Franklin covering the fireworks display and naming the Township of Franklin, Franklin Township Employees, Franklin Township Library and Villagers; and**

**BE IT FURTHER RESOLVED** that, as permitted by the Uniform Fire Code, the fee for this permit is hereby waived.

**Q. 03-151 RESOLUTION - CONTRACT - FIREFIGHTER MUTUAL BENEVOLENT ASSOCIATION LOCAL 88 (FMBA)**

**BE IT AND IT IS HEREBY RESOLVED** that the Township Council of the Township of Franklin, County of Somerset, State of New Jersey does hereby authorize the Mayor and Township Clerk to execute a Contract with Firefighter Mutual Benevolent Association Local 88 (FMBA) providing conditions of employment for Emergency Service for Franklin Township, Somerset County for the period January 1, 2002 to June 30, 2005.

**R. 03-152 RESOLUTION – DESIGNATING MURRAY ROTHBLATT AS A VOLUNTEER WILDLIFE CONTROL OFFICER - FRANKLIN TOWNSHIP, SOMERSET COUNTY**

**BE IT AND IT IS HEREBY RESOLVED** by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that Murray Rothblatt is hereby designated as a Volunteer Wildlife Control Officer to work under the jurisdiction of the Township Health Officer and in conjunction with the Animal Control Officer in the following areas: Black bear control within Six Mile Run; Implementation of wildlife management policy for the Township open space and serve as Animal Shelter Emergency Liaison on the Township Local Emergency Planning Committee.

**S. 03-153 RESOLUTION - 2003-2004 JUNKYARD LICENSE - SOMERSET RECYCLING CENTER, INCORPORATED**

**WHEREAS**, Somerset Recycling Center, Incorporated has applied for renewal of their Junkyard License for the year 2003-2004 and has paid the required fee of \$1,000.00; and

**WHEREAS**, approval of issuance of 2003-2004 Junkyard License has been received from the Township Health Officer, Director of Fire Prevention, Zoning Officer, Township Engineer and Police Department; and

**WHEREAS**, Somerset Recycling Center, Incorporated has been found in compliance with Section 156-6 of the Township Code regarding Standards for Approval;

**NOW, THEREFORE, BE IT RESOLVED** that a Junkyard License be issued to Somerset Recycling Center, Incorporated, said license to commence April 1, 2003 and expire March 31, 2004 in compliance with Chapter 156 of the Township Code.

**WORK SESSION/REGULAR MEETING – MARCH 25, 2003****T. 03-154 RESOLUTION – PROFESSIONAL SERVICE - CIVIL SOLUTIONS – WATER DISTRIBUTION & FIRE PREVENTION SERVICES - AN AMOUNT NOT TO EXCEED \$58,270.00**

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

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

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

- (1) The Mayor and Township Clerk are hereby authorized and directed to execute the below referenced agreement with the below stated vendor, which agreement shall be maintained on file with the Township Clerk and available for public inspection.
- (2) This agreement is awarded without competitive bidding as a "PROFESSIONAL SERVICE" under the provisions of the Local Public Contracts Law because it is a recognized profession licensed and regulated by law and it is not possible to obtain competitive bids.
- (3) A notice of this action shall be printed in the **LEGAL NEWSPAPER OF THE TOWNSHIP** as required by law within ten (10) days of its passage.
- (4) The vendor shall supply the Township of Franklin with Federal Affirmative Action Plan Approval or State Certificate of Employee Information Report within the time period specified by NJAC 17:27. The Contract shall contain the Mandatory Affirmative Action Language for Professional Service Contracts required by NJAC 17:27, a copy of which shall be attached to and incorporated in the Professional Service Agreement authorized herein.
- (5) The vendor shall agree to comply with the requirements of Title II of the Americans with Disabilities Act of 1990 and indemnify, protect and save harmless the Township from all suits, claims, losses, demands or damages of whatever kind or nature arising out of or claimed to arise out of alleged violations of the Act. A copy of the Act shall be attached to and incorporated in the Professional Service Agreement authorized herein.

**VENDOR NAME: CIVIL SOLUTIONS**  
**ADDRESS: 1030 Route 28, Branchburg NJ 08876**  
**CONTRACT AMOUNT: Not to exceed \$58,270.00**  
**SERVICE: Provide Water Distribution and Fire Prevention Services in accordance with a proposal dated December 2, 2002 on file with the Township Clerk and available for public inspection.**

**U. 03-155 RESOLUTION – AMENDED PROFESSIONAL SERVICE AGREEMENTS – APPRAISAL SERVICES – SEPTEMBER 1, 2002 TO AUGUST 3, 2003 – SECONDARY PROVIDER - JOSEPH T. MAZATOS – NOT TO EXCEED \$20,000.00**

**WHEREAS**, by resolution adopted August 13, 2002 Professional Service Agreements were authorized with Schwartz, Sterling & Associates as Primary Provider and Joseph T. Mazatos as Secondary Provider for the preparation of appraisals for the purpose of acquisition or condemnation of parcels owned by private individuals in conjunction with Open Space acquisition; and

**WHEREAS**, a need exists to again amend said agreements to provide an additional amount of \$20,000.00 for Joseph T. Mazatos; and

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

**WORK SESSION/REGULAR MEETING – MARCH 25, 2003**

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

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

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

- (1) The Mayor and Township Clerk are hereby authorized and directed to execute the below referenced agreement with the below stated vendor, which agreement shall be maintained on file with the Township Clerk and available for public inspection.
- (2) This agreement is awarded without competitive bidding as a "PROFESSIONAL SERVICE" under the provisions of the Local Public Contracts Law because it is a recognized profession licensed and regulated by law and it is not possible to obtain competitive bids.
- (3) A notice of this action shall be printed in the **LEGAL NEWSPAPER OF THE TOWNSHIP** as required by law within ten (10) days of its passage.
- (4) The vendor shall supply the Township of Franklin with Federal Affirmative Action Plan Approval or State Certificate of Employee Information Report within the time period specified by NJAC 17:27. The Contract shall contain the Mandatory Affirmative Action Language for Professional Service Contracts required by NJAC 17:27, a copy of which shall be attached to and incorporated in the Professional Service Agreement authorized herein.
- (5) The vendor shall agree to comply with the requirements of Title II of the Americans with Disabilities Act of 1990 and indemnify, protect and save harmless the Township from all suits, claims, losses, demands or damages of whatever kind or nature arising out of or claimed to arise out of alleged violations of the Act. A copy of the Act shall be attached to and incorporated in the Professional Service Agreement authorized herein.

**VENDOR NAME: JOSEPH MAZOTAS, INC.**

**ADDRESS: 334 Nassau Street Princeton, NJ 08540**

**CONTRACT AMOUNT: Prior to the initiation of any appraisal work, the vendor shall provide a price quote for the specific assignment to the Township Manager or his designee for approval. Cost shall be as quoted plus \$85.00 per hour.**

**SERVICE: Preparation of appraisals for the purpose of acquisition or condemnation of parcels owned by private individuals or corporations for the period September 1, 2002 to August 3, 2003.**

**V. 03-156 RESOLUTION - PROFESSIONAL SERVICE – JAMES KISSANE, ARCHITECT – MUNICIPAL BUILDING ADDITION & RENOVATION – AN AMOUNT NOT TO EXCEED \$41,360.00**

**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

**WORK SESSION/REGULAR MEETING – MARCH 25, 2003**

**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: JAMES KISSANE, ARCHITECT**

**ADDRESS: 605 Franklin Boulevard Somerset, NJ 08873**

**CONTRACT AMOUNT: \$41,360.00**

**SERVICE: Design of Customer Service Center in Municipal Building in accordance with a proposal on file with the Township Clerk**

<b>Development Phase</b>	<b>Drawings &amp; Specs Bid Phase</b>	<b>Construction Administration</b>	<b>Reimbursement RFP</b>	<b>Total</b>
<b>\$3,836.00</b>	<b>\$30,688</b>	<b>\$3,836.00</b>	<b>\$3,000.00</b>	<b>\$41,360.00</b>

**W. 03-157 RESOLUTION - PROFESSIONAL SERVICE - STERLING, DiSANTO & ASSOCIATES - APPRAISAL SERVICES - TAX APPEALS - AN AMOUNT NOT TO EXCEED \$36,750.00**

**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.

**WORK SESSION/REGULAR MEETING – MARCH 25, 2003**

- (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:** STERLING DiSANTO & ASSOCIATES, LLC  
 RUSSELL K. STERLING MAI, SCGREA  
**ADDRESS:** 145 West End Avenue PO Box 977 Somerville NJ 08876  
**CONTRACT AMOUNT:** Not to exceed \$36,750.00  
**SERVICE:** Appraisal Services for Tax Appeals

**X. 03-158 RESOLUTION – INSERTION IN BUDGET – NJ DEPARTMENT OF LAW & PUBLIC SAFETY, DIVISION OF CRIMINAL JUSTICE - 2002 BODY ARMOR REPLACEMENT PROGRAM GRANT - \$9,089.64**

**WHEREAS**, N.J.S.A. 40A: 4-87 provided that the Director of Local Government Services may approve the insertion of any Special Item of Revenue in the Budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the Budget; and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for an equal amount; and

**WHEREAS**, the Township of Franklin in the County of Somerset, State of New Jersey will receive \$9,089.64 with \$0 match for NJ Department of Law & Public Safety, Division of Criminal Justice - 2002 Body Armor Replacement Program Grant, and wishes to amend its 2003 Budget to include a portion of this additional amount as a revenue;

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Franklin, Somerset County hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Budget for the year 2003 in the sum of \$9,089.64 which is now available as revenue from:

**NJ DEPARTMENT OF LAW & PUBLIC SAFETY  
 DIVISION OF CRIMINAL JUSTICE  
 2002 BODY ARMOR REPLACEMENT PROGRAM GRANT**

**BE IT FURTHER RESOLVED** that a like sum of \$9,089.64 for 2002 Body Armor Replacement Program Grant, be and the same is hereby appropriated under the caption of:

**NJ DEPARTMENT OF LAW & PUBLIC SAFETY  
 DIVISION OF CRIMINAL JUSTICE  
 2002 BODY ARMOR REPLACEMENT PROGRAM GRANT**

**BE IT FURTHER RESOLVED** that the Township Clerk forward Certification – Grants/Special Item of Revenue and Appropriation endorsed by the Township Clerk and the Chief Financial Officer to the Director of Local Government Services.

**Y. 03-159 RESOLUTION - AUTHORIZE RAFFLE/BINGO**

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

**WORK SESSION/REGULAR MEETING – MARCH 25, 2003**

**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:

<b><u>NAME OF ORGANIZATION</u></b>	<b><u>DATE OF RAFFLE/BINGO</u></b>
<b>Spartan Club of Immaculata High School 240 Mountain Avenue, Somerville, NJ 08876 On-Premise Raffle – RL#1383 Drawing: DoubleTree Hotel, Somerset</b>	<b>April 5, 2003 10:00 am – 3:00 pm</b>

Motion was made by Deputy Mayor Grippo and seconded by Mr. Levine to approve the items of the foregoing Consent Agenda. Acting Township Clerk Dashield polled the Board, the vote being as follows:

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

Motion was carried.

#### **14. PUBLIC DISCUSSION**

Deputy Mayor Grippo reported that the Cable Television Advisory Committee has met with Patriot Media, recent purchasers of RCN, who are building a studio in the Township on Randolph Road. Patriot Media was very receptive to the Council's request for assistance in televising Council meetings and will be preparing a plan to initiate the program with sound activation on the Council table and podium and hard-wired microphones for good audio reception. The cost to implement the program will be between \$60,000 and \$100,000 plus staff assistance, and it is his intention to place funding in the FY2004 Budget for Council vote.

Motion was made by Deputy Mayor Grippo and seconded by Ms. Eberle to open the meeting for public discussion; motion was carried unanimously.

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

John Grosso, 61 Hollywood Avenue:

1. Commended Township Clerk Jean Pellicane for her services and congratulated her upon her forthcoming retirement.
2. Expressed his dismay at the agenda change to adopt the Consent Agenda before the public had the ability to question the items.
3. Noted news article in The Home News Tribune on Mr. Grippo and Mr. Levine's intentions to run for Mayor and their concern for taxes, and that if the School budget to be voted on April 15th is defeated, they will have an opportunity to make sufficient cuts to impact the taxes.
4. Expressed get well wishes for Township Manager Kenneth Daly's health after surgery, noting information that he is doing well.

**WORK SESSION/REGULAR MEETING – MARCH 25, 2003**

5. Questioned the purpose of Ordinance Introduction/Water Rates and Meters. Mr. Levine responded that the ordinance provides a \$25.00 charge for the redoing of water meter readings resulting from actions by the property owner/resident.
6. Questioned the purpose of Ordinance Introduction/Salaries & Compensation. Assistant Township Manager Dashield responded that the ordinance enacts salaries negotiated with the telecommunicators/fire prevention officers union for a 2% salary increase. Mr. Grosso reiterated his prior request that the Township work toward getting greater employee contributions towards medical insurance costs.
7. Questioned the purpose and additional funding being provided for appraisal services in Consent Agenda Resolutions U & W. Assistant Township Manager Dashield and Township Attorney Rainone responded that Resolution U is providing an additional \$20,000 to an existing \$25,000 agreement for appraisals of open space acquisitions. When applications for 50% of the purchase price from Green Acres grants are proposed, two appraisals are needed. Assistant Township Manager Dashield responded that Consent Agenda Resolution W is needed to provide appraisal services for tax appeals.
8. Questioned if the services to be provided by Consent Agenda Resolution V for architectural services for the municipal building renovations cover the entire project. Acting Township Manager Dashield responded that this is only one piece of the project.
9. Noted his dismay on the lack of park improvements to Dunham-Lebed Park which has no picnic shelter, no bathrooms, incomplete baseball diamonds, dead landscaping and playground equipment awaiting installation.
10. Commended actions of the State Legislature to enact legislation to put a Franklin Township member on the D&R Canal Commission.

Murray Rothblatt, Wildlife Control Officer, thanked the Council for his appointment and noted the need for these services for existing and future deer and bear problems.

Sid Lentz, Corneilius Way:

1. Questioned the lack of public comment period for Ordinances 16 through 20 on the agenda. Township Attorney Rainone responded that these are ordinance introductions only and public hearings will be held on April 22<sup>nd</sup>.
2. Questioned if equipment being authorized for lease by Ordinance 20 is for public works equipment, noting Deputy Mayor Grippo's motion to defer purchasing public works equipment until after the Library cost is established.
3. Thanked Mr. Grippo for his efforts to get Patriot Media to cover part of the cost of televising council meetings.
4. Questioned the need for Professional Service Agreements for tax appeals, if the Tax Assessor is a Township employee and why the services of the Tax Assessor or County Board are not used for tax appeals. Township Attorney Rainone responded that the Tax Assessor is an employee of the Township but under the jurisdiction of the State. An outside appraiser is used for tax appeals over a certain amount and provides expert testimony on behalf of the Township during the appeal process and any subsequent litigation. The County Board of Taxation is the entity to which appeals are made. Therefore, they cannot represent the Township.

Ms. Barrier arrived at this time.

**WORK SESSION/REGULAR MEETING – MARCH 25, 2003**

Kathleen Feeney, Esq., 771 Somerset Street, representing City Taxi, noted the thinking of the taxicab owners/drivers that the Council would be making a decision this evening on their request to change the ordinance insurance requirement from \$500,000. Township Attorney Rainone responded that Council expected a report back from the police department tonight, but it has not been received. Assistant Township Manager Dashield has been requested to have information available to the Council by their April 1<sup>st</sup> Council Worksession for discussion on whether they want an ordinance amendment prepared. If so, considering the time needed for introduction, publication and effective date, the earliest that a potential modification could be effective is the end of May.

Courtney Throckmorton, 591 Somerset Street:

1. Noted that the funded being appropriated for tax appeals indicates the number of people who are unhappy with their taxes. Public employees and teachers are insulated from the problems of private employment and the cost of medical insurance.
2. Questioned the cost of the Professional Service Agreement authorized by Consent Agenda item V since it was his understanding that it involved a 10' addition to the municipal building. Township Attorney Rainone and Assistant Township Manager Dashield responded that the contract also involves interior and exterior renovations to the rear portion of the municipal building.
3. Questioned the need for the numerous and costly notifications he received as a result of a failed fire inspection.
4. In furtherance of the Council's Resolution requesting the Redevelopment Agency to include existing property owners in the redevelopment plan, questioned if Council is open to extending the same to the entire Renaissance area along Route 27.
5. Objected to one specific group receiving preferential treatment from the Redevelopment Agency and noted that members of the Redevelopment Agency also serve as members of other boards. If these groups benefit from decisions made by the Redevelopment Agency, these members should not vote on issues with conflicts.

Urguens Maccelus, Home Street, City Taxi driver, noted the importance of a Council decision on taxicab insurance issue so the taxi companies know if they will be able to remain in business.

Lucretia Cortelyou, 1892 Amwell Road, objected to the inability of the public to respond to Council Comments responses to public discussion questions.

Vickie Drecolis, 27 Weston Road, reiterated her complaints about water run-off destroying residents' driveways and the dirt/mud on the Township roads caused by the Pizzo project on Weston Road. Assistant Township Manager Dashield responded that Township Manager Daly requested a report from the Township Engineer, and he will get the report to Council for the next meeting.

Upon a motion made, seconded and unanimously agreed, the public portion of the meeting was closed.

**15. COUNCIL COMMENTS**

Mr. Mettler commented that the Township did have a representative on the D&R Canal Commission many years ago, Dr. Bruce Hamilton. Many people think that the Canal forms our western boundary, but the boundary is the centerline of the Raritan and Millstone rivers. Maintenance of the canal's meadows in some areas is good but needs attention in the East Millstone area.

**WORK SESSION/REGULAR MEETING – MARCH 25, 2003**

Mr. McKenzie:

1. Expressed commendations and prayers for our service men and women in Iraq.
2. Concurred with complaints regarding taxes but noted that sometimes taxpayers have to make sacrifices. The State mandates many programs for which local taxpayers must pay.
3. Saluted and commended Jean Pellicane for her services to the Township.

Ms. Barrier:

1. Commended and thanked Jean Pellicane
2. Concurred with the pain and frustration felt by the taxicab owners and drivers but noted that the Council will be discussing the issue next week and hopefully the Council and the taxicab owners will have a clear idea of where we are going.

Ms. Eberle:

1. Expressed her thoughts for the well being of our troops.
2. Thanked Jean Pellicane for her services.
3. Concurred with the desire of the taxicab operators to settle the insurance issue.
4. Concurred with Mr. McKenzie's comments on unfunded State mandates.

Mr. Levine:

1. Concurred with the need to deal with the taxicab issue.
2. Expressed concern with the quality of life issues of current residents impacted by developer's actions.
3. Thanked Mr. Grosso for his comments on Dunham-Lebed Park, noted that the park is slated to receive more modern, safer playground equipment this year, and that he will check out the reported dead landscaping.
4. Concurred with comments on unfunded state mandates.

Deputy Mayor Grippo:

1. Noted the Food Bank awards dinner last weekend, honoring Assemblyman Chivukula and Board of Education President Eva Nagy.
2. Congratulated the Franklin High School basketball team for their standing in the top four teams in the State and their participation in the recent championship series.
3. Noted a fundraising activity being planned by Togar Properties for local businesses and industries to support the Library expansion.

Mr. Sumter:

1. Noted the need to revisit taxicab problem.
2. Congratulated the Franklin High School Basketball Team and requested that the team be invited to second meeting in April to receive condemnations.

**WORK SESSION/REGULAR MEETING – MARCH 25, 2003**

Upon a motion made, seconded and unanimously agreed, the Work Session/Regular Meeting was adjourned at 9:35 p.m.

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**WILLIS SUMTER, MAYOR**

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**JEAN C. PELLICANE, RMC, TOWNSHIP CLERK**