

**REGULAR MEETING OF THE TOWNSHIP COUNCIL**  
**TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, NEW JERSEY**  
**APRIL 9, 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 8:05 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 Mayor Eberle.

The Township Clerk called the roll.

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

Absent: Mr. Chivukula

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

**PROCLAMATION - UNITED STATES POSTAL SERVICE & THE SHARING NETWORK - ORGAN & TISSUE DONOR REGISTRATION DAY - APRIL 22, 2002**

Read by Township Clerk Pellicane

**WHEREAS**, realizing the urgent and increasing need for organ and tissue donors in New Jersey, the United States Postal Service Central Jersey Performance Cluster and the Sharing Network have partnered to address that need through enhanced awareness; and

**WHEREAS**, the transplantation of organs and tissues is a miracle of modern medicine made possible through the compassion of organ and tissue donors, enabling surgeons to save thousands of lives every year. Donors not only give the gift of life, but also often restore health and sight to recipients of the tissue and organs. People of all ages, ethnic backgrounds and religions are affected by the need for organ transplants and by the serious shortage of organ donors that exists. Currently there are nearly 2,100 New Jerseyans and more than 79,000 Americans awaiting life-saving and life-enhancing transplant operations; and

**WHEREAS**, every capable person should sign a donor card and support this vital effort by learning more about donating tissue and organs, filling out donor Registration Cards, making their families aware of their wishes, and be willing to give the precious gift of health, sight and life to people in need; and

**WHEREAS**, as Mayor of the Township of Franklin, Somerset County, I recognize the United States Postal Service Central New Jersey Performance Cluster and the Sharing Network's Organ and Tissue Donor Registration Day, April 22, 2002 as a great opportunity to join in the fight to save lives by giving the greatest gift;

**NOW, THEREFORE, 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 proclaim **APRIL 22, 2002** as

**UNITED STATES POSTAL SERVICE**  
**CENTRAL NEW JERSEY PERFORMANCE CLUSTER**  
**&**

**THE SHARING NETWORK ORGAN & TISSUE**  
**DONOR REGISTRATION DAY**

**REGULAR MEETING - APRIL 9, 2002**

in the Township of Franklin, and urge all residents to join in promoting organ and tissue donor education through participation in this event.

Proclamation was presented by Mayor Eberle and Councilman Fred McKenzie to Anthony Fanelli, Postmaster of Somerset Post Office.

**PROCLAMATION - AUTISM AWARENESS MONTH - APRIL 2002**

Read by Township Clerk Pellicane

**WHEREAS**, autism is a pervasive developmental disorder affecting the social, learning and behavioral skills of those affected by it; and

**WHEREAS**, autism was once thought to be a relatively rare disorder, affecting only one in 10,000 people; and

**WHEREAS**, while there is no cure for autism, it is well-documented that if an individual with autism receives treatment early in their lives, it is often possible for that individual to make significant improvement; and

**WHEREAS**, as more and more health professionals become proficient in diagnosing autism, more children are being diagnosed on the autistic spectrum, resulting in rates as low as one in 500 children; and

**WHEREAS**, the New Jersey Center for Outreach and Services for the Autism Community (COSAC) is spearheading an awareness effort in order to educate parents, professionals and the general public about autism and its effects;

**NOW, THEREFORE, 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 proclaim APRIL 2002 as

***AUTISM AWARENESS MONTH***

in the Township of Franklin, and urge all employees and residents to participate in our Municipality's Autism Awareness Month activities, in order to become better educated on the subject of autistic spectrum disorders.

Proclamation was presented by Mayor Eberle and Councilman Fred McKenzie to Evelyn Marin and Mike Marin, residents and grandparent/parent of an autistic child and Jennifer Stilatano of New Jersey Center for Outreach and Services for Autism Community.

**PROCLAMATION - NATIONAL HEALTHCARE VOLUNTEER DAY - APRIL 22, 2002 - SOMERSET MEDICAL CENTER**

Read by Township Clerk Pellicane

**WHEREAS**, The Somerset Medical Center is dedicated to serving health care needs of the residents of the Township of Franklin as well as the surrounding area; and

**WHEREAS**, The Somerset Medical Center has asked the Township of Franklin to help honor the efforts of the many men and women who volunteer their time at the Center; and

**WHEREAS**, The residents of the Township of Franklin welcome the opportunity to thank the fine, selfless volunteers who lift lives, spirits and hearts;

**NOW, THEREFORE, I, MAYOR SHIRLEY EBERLE**, on behalf of the Township Council of the Township of Franklin, County of Somerset and State of New Jersey, do hereby proclaim Monday, April 22, 2002 as

**REGULAR MEETING - APRIL 9, 2002****"NATIONAL HEALTHCARE VOLUNTEER DAY"**

in the Township of Franklin, Somerset County.

Proclamation was presented by Mayor Eberle and Councilman Fred McKenzie to Catherine McMullen, Director of Volunteer Services at Somerset Medical Center.

**MINUTES - WORK SESSION - 3/26/02; REGULAR MEETING - 3/26/02**

Ms. Barrier requested a correction to the minutes of the March 26, 2002 Work Session. Her liaison report on SCAP should indicate that SCAP has voted to apply for an Individual Development Account Program but the application has not yet been approved.

Motion was made by Mr. Mazzola and seconded by Ms. Barrier to approve the minutes of the Work Session of March 26, 2002 as amended and the Regular Meeting of March 26; motion was carried by those Councilmembers present at those meetings.

**WARRANTS - APRIL 9, 2002****Read by Township Clerk Pellicane**

1	Current Fund	5,089,118.89
5	Water Operating	15,499.47
6	Water Capital	4,497.00
4	General Capital	26,649.23
15	General Trust	1,685.00
18	Self Insurance Trust Fund	7,411.17
21	Recreation Trust	723.00
12	Open Space Trust	14,750.00
2	Grant Fund	12,976.00
17	Workers' Compensation	23,310.00
	Unemployment Trust	0
	Employee Payroll Deduction	0
3	Collector Trust	51,226.49
14	Dog Revenue	1,308.50
	Community Foundation	0
22	Payroll	0
13	Redevelopment Agency	620.00
23	Agency Payroll	19,470.13
	<b>SUB-TOTAL</b>	<b>5,269,244.88</b>
25	Escrow Account	38,288.75
19	Voided Checks	0
20	Adjustments	0
	<b>GRAND TOTAL</b>	<b><u>\$5,307,533.63</u></b>

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

Motion was carried.

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**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)**

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 112-26C, INSPECTION OF IMPROVEMENTS AND SECTION 112-29, ESCROW DEPOSITS". 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 Deputy Mayor Grippo and seconded by Mr. Mettler to close the public hearing; motion was carried unanimously.

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

Motion was carried.

**ORDINANCE HEARING –ACQUISITION - BLOCK 129/LOTS 9-18 - SISLER DEVELOPMENT CORP./\$182,500 - BLOCK 129/LOTS 708 - BEN DAVID LIVING TRUST/\$65,000 - GATEWAY PARKING LOT**

Township Clerk Pellicane read by title:

"AN ORDINANCE TO ACQUIRE, BY PURCHASE, CERTAIN LANDS WITHIN THE TOWNSHIP OF FRANKLIN FOR REDEVELOPMENT PURPOSES". Township Clerk Pellicane noted that the Township Attorney has approved the Affidavit of Publication and that a public hearing on the ordinance is in order.

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

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

John Grosso, 61 Hollywood Avenue, questioned the circumstances of this purchase from Sisler Development Corp. and Ben David Living Trust. Township Manager Daly responded that the properties are located on Franklin Boulevard, two blocks east of Route 27, and are being purchased with Somerset County Grant money for use as a park and parking lot. The project is

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part of the Gateway Redevelopment which will ultimately be financed by the Renaissance 2000 Redevelopment Agency.

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

Motion was carried.

**ORDINANCE HEARING – 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 I-287 - CB ZONE TO R-10 ZONE)". 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. Levine and seconded by Mr. Mettler to open the public hearing; the motion was carried unanimously.

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

Henry Kentsmith, representing Irving Cyzner, owner of a property in the rezoning area, noted that the properties in the rezoning area along Elizabeth Avenue are developed with commercial uses in character with and on lots of the size permitted in the NB Zone and requested the Council to consider the zoning of these properties to NB.

Robert Lindemann, 16 Winthrop Road, owner of a small facility involving electronics instrumentation and software on Elizabeth Avenue in the rezoning area, noted his plans to expand the building in the future and requested that Council consider the zoning of the properties along Elizabeth Avenue to a zone which would allow the expansion of his facility.

Ted Chase, 159 Old Georgetown Road and member of the Planning Board, noted that the Planning Board has discussed the existing businesses, that Director of Planning Ellen Ritchie noted an equal number of residential uses in the area, and concurred with the need to reconsider the rezoning.

Bernard Pongrantz, 110 Bell Street, noted that the properties in question are impacted by wetlands and drainage problems, that public sewer and water facilities are not immediately available and that the area contains a large amount of Township owned vacant land which he would be interested in purchasing and developing under R-10 standards. Township Manager Daly responded that one purpose of the ordinance is to prevent more residential development and that the Township Council has determined not to sell any Township owned land for residential

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development. A second purpose is to protect against the installation of billboards which are not permitted in residential zones.

John Grosso, 61 Hollywood Avenue objected to the rezoning of the area to residential which would encourage residential development and additional traffic, noting that a future Council could rescind the decision not to sell Township owned land for residential development.

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

Mr. Mazzola moved to defer action on this ordinance and to refer the matter back to the Planning Board for further consideration. Ms. Barrier seconded the motion.

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

Motion was carried.

**ORDINANCE HEARING - AMEND CODE - CHAPTER 112, DEVELOPMENT HOME OCCUPATIONS**

- A. Amend to add Operative Statement
- B. Adopt as Amended

Township Clerk Pellicane advised that the report from the Planning Board received on the introduced ordinance indicates that the operative statement for the amendment (noting that uses meeting the criteria set forth do not need to get Planning Board approval) does not appear in the ordinance. A resolution to amend the ordinance at this time to include the operative statement is presented to Council.

Mr. Mettler questioned if the proposed change represents a substantial change from the advertised Ordinance requiring readvertisement. Township Attorney Rainone responded that the advertised ordinance indicated the correct intent of the ordinance, therefore, there is no need to readvertise.

**02-171 RESOLUTION - AMEND ORDINANCE - CHAPTER 112, DEVELOPMENT - SECTION 112-9, SUPPLEMENTARY REGULATIONS - SUBSECTION B, CONDITIONAL USES - PARAGRAPH (9), HOME OCCUPATIONS**

**WHEREAS**, on March 12, 2002 an ordinance entitled:

**"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"** was introduced; and

**WHEREAS**, said ordinance was published in the Courier News by Summary on March 28, 2002 for public hearing and final adoption on April 9, 2002; and

**WHEREAS**, it was subsequently determined that there is need to amend the introduced ordinance; and

**WHEREAS**, NJSA 40:49-2 (c) sets forth requirements if the amendment to the published ordinance substantially alters the substance of the ordinance; and

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**WHEREAS**, the Township Attorney has ruled that the proposed amendment does not substantially alter the substance of the ordinance;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin, in the County of Somerset and State of New Jersey that the ordinance set forth herewith introduced on March 12, 2002 be amended to read in pertinent part as follows:

Chapter 112, Development - Section 112-9, Supplementary Regulations - Subsection B, Conditional Uses, Paragraph 9, Home Occupations is amended to add thereto the following:

*A home occupation shall be considered a permitted accessory use, exempt from conditional use review by the Planning Board, if it meets the following additional standards:*

*k. ...*

Motion was made by Mr. Levine and seconded by Deputy Mayor Grippo to approve the Resolution. Township Clerk Pellicane polled the Board, the vote being as follows:

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

Motion was carried.

**PUBLIC HEARING**

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”**. 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 on the ordinance as amended; 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, 159 Old Georgetown Road and member of the Planning Board noted that the purpose of the ordinance amendment is to state that those uses which do not disturb neighboring properties should not have to come to the Planning Board for home occupation approval.

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

Mr. Mazzola agreed with the intent of the amended ordinance but noted that:

1. The ordinance refers to no clients, buyers, students etc. who come to the premises on a regular basis without defining “regular basis”.
2. The ordinance does not allow home occupations for teachers with students to be included in the exception.
3. The ordinance refers to no deliveries received in quantities beyond those ordinarily delivered by the US Post Office or similar delivery services without

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defining these deliveries and would not include such sales operations as Amway, Avon, Tupperware, etc. from the exception.

Township Attorney Rainone concurred with Mr. Mazzola's observations but noted that these are issues which the legislature has struggled with for many years. The ordinance should be referred back to the Planning Board to study ordinances in other municipalities and how they work.

Mr. Mazzola moved to table the ordinance and refer same back to the Planning Board. Ms. Barrier seconded the motion. Township Attorney Rainone suggested that, since the ordinance hearing has been held, further information be obtained from the Planning Board and the ordinance be carried to the May 7<sup>th</sup> Work Session for further discussion and May 14<sup>th</sup> for adoption or amendment and readvertisement based on that discussion. Mr. Mazzola and Ms. Barrier amended their motion accordingly.

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

Motion was carried.

**ORDINANCE HEARING – AMEND CODE - CHAPTER 112, DEVELOPMENT - SECTION 112-8, GENERAL REGULATIONS - SCHEDULE 1, 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)". 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. McKenzie to close the public hearing; motion was carried unanimously.

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

The Clerk 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. Barrier	Mr. Mazzola	No One	No One
Mayor Eberle	Mr. McKenzie		
Mr. Grippo	Mr. Mettler	<b><u>ABSENT</u></b>	
Mr. Levine	Mr. Sumter		
		Mr. Chivukula	

Motion was carried.

**REGULAR MEETING - APRIL 9, 2002****RESOLUTION - OPPOSE S-1044/A-1926 - LEGALIZE THE USE OF PROJECT LABOR AGREEMENTS IN NEW JERSEY**

Ms. Barrier moved to amend the agenda to consider Resolution 15 at this time, noting that S-1044 and A-1926 pending before the State Legislature would restrict the competitive bidding process and result in higher construction cost to municipalities and impact on local taxes. The League of Municipalities is opposed to the legislation, and the resolution will send our formal opposition to Trenton.

Mr. Mazzola seconded the motion to amend the agenda; motion was carried unanimously.

Mr. Grippo noted that the legislation would require the Township to look towards union labor before non-union labor and that Councilman Chivukula is one of the sponsors of the Bill in the State Assembly. Assemblyman Chivukula is absent from this meeting because of another commitment, and his reasons for sponsoring the legislation should be discussed by Council before taking action to oppose the legislation.

Mr. Mazzola and Mr. Levine concurred with Ms. Barrier, noting that the current regulations insure fairness in the bidding process.

Township Attorney Rainone advised that current statutes require all contractors on large-scale public contracts to pay their workers prevailing wage, but does not require other benefits for the workers. The legislation would allow the Township to enter into an agreement with the building trades and require bidders to use union laborers.

Ms. Barrier moved to adopt the resolution; Mr. Levine seconded the motion.

Deputy Mayor Grippo moved to table the resolution until input can be received from Councilman/ Assemblyman Chivukula. Mr. Sumter seconded the motion.

Township Clerk Pellicane polled the Council on the motion to table the resolution, 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>
Mayor Eberle	Mr. McKenzie	Ms. Barrier	No One
Mr. Grippo	Mr. Sumter	Mr. Levine	
		Mr. Mazzola	<b><u>ABSENT</u></b>
		Mr. Mettler	Mr. Chivukula

The motion failed to receive the affirmative vote of a majority of the Council present.

Township Clerk Pellicane polled the Council on the motion to adopt the resolution, 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. Barrier	Mr. Mazzola	Mayor Eberle	No One
Mr. Levine	Mr. Mettler	Mr. Grippo	
		Mr. McKenzie	<b><u>ABSENT</u></b>
		Mr. Sumter	Mr. Chivukula

The motion failed to receive the affirmative vote of a majority of the Council present.

Council took a brief recess from 9:15 p.m. to 9:25 p.m., with all members returning.

**REGULAR MEETING - APRIL 9, 2002****TOWNSHIP'S BOND RATING**

Township Manager Daly advised Council that the Township's bond rating has been raised by both Standard & Poor's and Moody's from AA- to AA. The increased rating will mean a savings of 5 to 10 points or approximately \$20,000 to \$25,000 on interest rates on the bonds we are about to sell. This accomplishment is the work of former CFO Daniel Mensah and current CFO Jose Agosto. Deputy Mayor Grippo requested the Township Manager to send letters of commendation to these individuals. Council concurred.

**PUBLIC DISCUSSION**

Mayor Eberle noted that the public hearing on the Middlebush By-Pass has been scheduled for 8:00 p.m. on April 23, 2002 and requested that public comments on that subject be deferred to that date.

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

John Grosso, 61 Hollywood Avenue:

1. Supported the requirement that union labor be used for public construction projects.
2. Questioned Consent Agenda Resolution H (Agreement - Somerset County Coalition on Affordable Housing - Administration of Affordable Housing Units - 7/01/02 to 6/30/03 - \$70,000.00). Township Manager Daly responded that SCCOAH has been administering our Affordable Housing program at the same rate since prior to his tenure with the Township. The contract involves the monitoring of all affordable housing units registered, matching people to those units, insuring that owners continue to comply with Mount Laurel requirements. Township Attorney Rainone responded that SCCOAH also maintains lists of available units and monitors sales of the units to insure that the buyer is qualified and that documentation is completed to insure that the units remain in our program.
3. Questioned if the location of the junkyard being licensed by Consent Agenda Resolution N (Junkyard License - 2002/2003 - Somerset Recycling) is the one located on 14<sup>th</sup> Street and if, as a pre-existing non-conforming use, the facility can be sold and continued in the junkyard use. Township Clerk Pellicane responded that the junkyard being licensed is located on Somerset Street. Township Attorney Rainone responded that the junkyard use could continue under the circumstances described by Mr. Grosso.
4. Questioned Consent Agenda Resolution R authorizing a professional service agreement with CME Associates in the amount of \$11,560 for design of the Franklin Boulevard sidewalks and questioned why they cannot be designed by in-house staff. Township Manager Daly responded that both the Township Engineer and the Capital Projects Engineer as well as the Financial Oversight Committee recommended this contract since staff does not have time to design the project which involves topographical conditions and other considerations, and the CME proposal has the lowest cost.
5. Questioned Consent Agenda Resolution X (Professional Services Agreement - Schoor DePalma - Planning Services/Mindel Litigation - Additional \$5,000.00). Township Manager Daly and Township Attorney Rainone responded that the agreement involves the tract of land at the Amwell Road/Demott Lane intersection. The Township has initiated condemnation proceedings but the value of the land is still being debated. The former owner claims that the property could be approved for a commercial use, increasing the value substantially. The agreement will provide planning services for the Township to refute this claim.

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John McConnelly, 5 Stoneleigh Way, requested and received confirmation of the date of the public hearing of the Middlebush By-Pass.

Nancy Hohnstein, 41 So. Middlebush Road, questioned and requested that representatives of Orth Rodgers, Sgt. Robert Vornlocker and the County Engineer be present at the Middlebush By-Pass hearing

Michael Orsini, 24 Nepote Place:

1. Suggested that representatives of NJDEP also be present at the Middlebush By-Pass hearing since land will be needed from the State for the roadway.
2. Noted Assembly Bill 2070 introduced and sponsored by Assemblymen Chivukula and Egan providing for the development of a Master Plan for Six Mile Run Reservoir and providing for the land to be preserved in perpetuity for open space without permanent structures or impervious surfaces.
3. Noted the many neglected structures within Six Mile Run and that the land should be managed by the County Park system.
4. Lauded the resolution supporting Rockingham.
5. Donald Bell, 63 Smith Road, spoke in support of using union labor for public contracts.

Jacob Knorr, 26 Buttonwood Drive noted the need for speed limit signs and deer caution signs on Buttonwood Drive.

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

**RESOLUTION - CONSENT AGENDA**

Read by Township Clerk Pellicane

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.

- A. Tax Title Lien Redemptions:
  - Samuelsen – Block 12/Lot 11 - \$38,909.99 – 48 Sterling Road (1997)
  - Samuelsen – Block 12/Lot 11 - \$3,682.31 – 48 Sterling Road (2001)
  - Vaughn – Block 94/Lot 27 - \$100.77 – 195 Churchill Avenue
  - Whidbee – Block 139/Lot 9 - \$7,405.21 – 28 Millstone Road
  - Newman – Block 289/Lot 123.01 - \$694.72 – 321 Hillcrest Avenue
  - Benson – Block 349.02/Lot 78.01 - \$433.49 – 416 West Point Avenue
- B. Adjust Water Charges – Bowser – Block 343/Lot 1.01 – 330 Girard Avenue
- C. Budget – FY2002 Insertion in Budget – NJ Department of Agriculture/Jersey Fresh Grant - \$500.00
- D. Change Order No. 1 – Select Energy – Purchase of Natural Gas – 2/1/01 to 9/30/02 – additional \$24,000
- E. Change Order No. 1 – Schifano Construction Co. – Street Resurfacing – additional \$11,527.00

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- F. Purchase – Air Technology – Air Purification System/DPW Building - \$90,085.00 – State Contract
- G. Purchase/Competitive Contract – Middle Earth – Development Administration of Youth Engaged in Service Program - \$74,734.00
- H. Agreement – Somerset County Coalition on Affordable Housing – Administration of Affordable Housing Units 7/1/02 to 6/30/03 - \$70,000.00
- I. Grant Agreement – NJ Department of Traffic Safety – Aggressive Driver Patrol Grant - \$6,300 Grant/-0- Match
- J. Escrow Release – Plan Review Deposit:  
KF Schoolhouse, LLC – Docket #PLN2002-0002 - \$500.00
- K. Escrow Release – Inspection Fees:  
KF Schoolhouse, LLC – Docket #P99074P - \$11,950.00
- L. Authorize Raffle/Bingo Licenses
- M. Special Event Permit – Franklin High School – Senior Prom Promenade – Municipal Complex – May 3, 2002
- N. Junkyard License – 2002/2003 – Somerset Recycling
- O. Authorize Auction of Surplus In-house Printing Equipment
- P. Endorse Hamilton Street Revitalization Plan
- Q. ~~Oppose S-1044/A-1926 – Legalize the Use of Project Labor Agreements in New Jersey~~ Moved from Consent Agenda, added as Item 15
- R. Professional Service Agreement – CME Associates – Design of Franklin Boulevard Sidewalk Project - \$11,560.00
- S. Professional Service Agreement – Keller & Kirkpatrick – Design of Henry Street Curbs, Sidewalks, Pavement Repairs & Overlay Project - \$10,790.00
- T. Appointments – Senior Citizen Advisory Committee  
Marlene McCollum – Somerset Resident  
Helen Papaionnou and Gloria Parker – United Seniors
- U. Adjust Water Charges – Moore – Block 238/Lot 11 – 78 Baier Avenue
- V. Discharge of CDBG Expired Mortgage – Emma Michalski – Block 190/Lot 21 - 38 Hawthorne Drive
- W. Support Continued Development of Rockingham Historic Site – Rockingham Association
- X. Professional Service Agreement – Schoor DePalma – Planning Services/Mindel Litigation – additional \$5,000.00

**THE FOLLOWING ARE THE ITEMS OF THE CONSENT AGENDA:****A. 02-172 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

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**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>DATE OF SALE</b>	<b>BLOCK/LOT</b>	<b>NAME</b>	<b>AMOUNT</b>
April 10, 1997	12/11	SAMUELSEN, GEORGE III 161 Floral Avenue Plainview NY 11803 (48 Sterling Drive)	\$38,909.99
PAID: March 21, 2002	CERT #97-25		
LIENHOLDER:	Breen Capital Holdings 101 Farnsworth Avenue	Bordentown NJ 08505	
June 07, 2001	12/11	SAMUELSEN, GEORGE III 161 Floral Avenue Plainview NY 11803 (48 Sterling Drive)	\$ 3,682.31
PAID: March 21, 2002	CERT #01-183		
LIENHOLDER:	Plymouth Financial PO Box 2288	Morristown NJ 07962-2288	
June 07, 2001	94/27	VAUGHN, OSTEIN 515 North Park Drive Perth Amboy NJ 08861 (195 Churchill Avenue)	\$ 100.77
PAID: March 8, 2002	CERT #01-239		
LIENHOLDER:	Herbert Sehgel PO Box 284	Kingston NJ 08528	
June 8, 2000	139/9	WHIDBEE, HENRY & BEVERLY 150 Pineview Terrace Plainfield NJ 07062-1506 (28 Millstone Road)	\$ 7,405.21
PAID: March 22, 2002	CERT #20-71		
LIENHOLDER:	Plymouth Financial PO Box 2288	Morristown NJ 07962-2288	
June 8, 2000	289/123.01	NEWMAN, BARBARA 321 Hillcrest Avenue Somerset NJ 08873	\$ 694.72
PAID: March 21, 2002	CERT #20-166		
LIENHOLDER:	James C. Older 87 East Mountain Road	Hillsborough NJ 08844	
June 7, 2001	349.02/78.01	BENSON, SHIRLEY BAKER 416 West Point Avenue Somerset NJ 08873	\$ 433.49
PAID: March 19, 2002	CERT #01-165		
LIENHOLDER:		James Pilewski 3 Devon Lane Warren NJ 07059	

REGULAR MEETING - APRIL 9, 2002**B. 02-173 RESOLUTION – ADJUST WATER CHARGES – VALARIE BOWSER – BLOCK 343/LOT 1.01 - 330 GIRARD AVENUE**

**WHEREAS**, Valarie Bowser has an unusually high water charge for the quarter February 1, 2002 in the amount of \$1,659.42 for the property known as Block 343 Lot 1.01; and

**WHEREAS**, it has been determined that the high usage is the result of a leaking toilet; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the Collector of Revenue is hereby directed to adjust the aforesaid water charges to reflect the charges for said water paid by the Township to its bulk supplier, specifically a reduction to \$743.13.

**C. 02-174 RESOLUTION – INSERTION IN BUDGET – STATE OF NEW JERSEY DEPARTMENT OF AGRICULTURE - NEW JERSEY FRESH PROGRAM - \$500.00**

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

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

**WHEREAS**, the Township of Franklin in the County of Somerset, State of New Jersey will receive \$500.00 for [STATE OF NEW JERSEY DEPARTMENT OF AGRICULTURE - NEW JERSEY FRESH PROGRAM](#), and wishes to amend its 2002 Budget to include a portion of this additional amount as a revenue;

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Franklin, Somerset County hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Budget for the year 2002 in the sum of \$500.00 which is now available as revenue from:

[STATE OF NEW JERSEY DEPARTMENT OF AGRICULTURE  
NEW JERSEY FRESH PROGRAM](#)

**BE IT FURTHER RESOLVED** that a like sum of \$500.00, for [STATE OF NEW JERSEY DEPARTMENT OF AGRICULTURE - NEW JERSEY FRESH PROGRAM](#) be and the same is hereby appropriated under the caption of:

[STATE OF NEW JERSEY DEPARTMENT OF AGRICULTURE  
NEW JERSEY FRESH PROGRAM](#)

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

**D. 02-175 RESOLUTION - CHANGE ORDER NO. 1 - SELECT ENERGY, INCORPORATED - PURCHASE OF NATURAL GAS - FEBRUARY 1, 2001 TO SEPTEMBER 30, 2002 - AN ADDITIONAL AMOUNT NOT TO EXCEED \$24,000.00**

**WHEREAS**, the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey, has on January 23, 2001, authorized the awarding of a contract to

**VENDORS:** SELECT ENERGY, INCORPORATED  
107 Selden Street  
Berlin CT 06037  
Somerset County Coop Bid

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**ITEMS:** Natural Gas

**COST:** Contract period for 20 months - February 1, 2001 to September 30, 2002.  
An amount not to exceed \$9.90 per dekatherm in 2001/\$8.28 in 2002

**WHEREAS**, during the course of the contract term the need for additional funding has been determined, resulting in an increase in the contract as follows:

**CHANGE ORDER NO. 1:**

Additional	\$24,000.00
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**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;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey, does hereby authorize the issuance of Change Order N. 1 to the contract with Select Energy, Incorporated; and

**BE IT FURTHER RESOLVED** that the Township Manager be and he is authorized to sign said Change Order on behalf of the Township.

**E. 02-176 RESOLUTION - CHANGE ORDER NO. 1 - SCHIFANO CONSTRUCTION CORPORATION - STREET RESURFACING, MILLING & CURB REPLACEMENT - AN ADDITIONAL AMOUNT NOT TO EXCEED \$11,527.99**

**WHEREAS**, the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey, has on May 22, 2001, authorized the awarding of a contract to

SCHIFANO CONSTRUCTION CORPORATION

One Smalley Avenue PO Box 288  
Middlesex NJ 08846

An amount not to exceed \$811,373.05; and

**WHEREAS**, during the course of the project the need for additional concrete has been determined, resulting in an increase in the contract as follows:

**CHANGE ORDER NO. 1:**

Additional Concrete	\$11, 527.99
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**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;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey, does hereby authorize the issuance of Change Order N. 1 to the contract with Schifano Construction Corporation; and

**BE IT FURTHER RESOLVED** that the Township Manager be and he is authorized to sign said Change Order on behalf of the Township.



**REGULAR MEETING - APRIL 9, 2002****H. 02-179 RESOLUTION - CONTRACT - SOMERSET COUNTY COALITION ON AFFORDABLE HOUSING - JULY 1, 2002 TO JUNE 30, 2003 - 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 Coalition on Affordable Housing for the administration of the Township's Affordable Housing for the period July 1, 2002 to June 30, 2003 at a cost of \$70,000.00, and

**BE IT FURTHER RESOLVED** that the terms of this contract are contingent upon availability of funds in the 2003 FY Budget, and in the event of unavailability of such funds, the Township of Franklin reserves the right to cancel this contract.

**I. 02-180 RESOLUTION - GRANT APPLICATION/AGREEMENT - NJ DIVISION OF HIGHWAY TRAFFIC SAFETY - AGGRESSIVE DRIVER ENFORCEMENT PROGRAM - \$6,300.00**

**WHEREAS**, there are monies available under the Highway Safety Grant with the New Jersey Division of Highway Traffic Safety for an Aggressive Driver Traffic Enforcement Program; and

**WHEREAS**, it would be in the interest of the Township of Franklin, Somerset County to apply for said monies;

**NOW, THEREFORE, BE IT 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 and sign any and all documents in order to effectuate the receipt of the Grant monies between the Township and Franklin and the New Jersey Division of Highway Traffic Safety for Aggressive Driver Enforcement in the amount of \$6,300.00;

**BE IT FURTHER RESOLVED** that the effective dates for the Aggressive Driver Traffic Enforcement Program are April 22, 2002 through September 5, 2002.

**J. 02-181 RESOLUTION - RELEASE OF PLAN REVIEW ESCROW - KF SCHOOLHOUSE, LLC/JOSEPH PUNIA - DOCKET NO. PLN 2002-0002 - \$500.00**

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

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

**APPLICANT:** KF SCHOOLHOUSE, LLC c/o Mr. Joseph Punia  
**ADDRESS:** 520 U.S. Highway 22 PO Box 6872  
Bridgewater NJ

**DOCKET NO:** PLN 2002-0002  
**BLOCK/LOT:** 514/6.01  
**LOCATION:** 50 Schoolhouse Road  
**AMOUNT DEPOSITED:** \$1,000.00  
**AMOUNT CHARGED:** 500.00  
**AMOUNT TO BE REFUNDED:** \$ 500.00

**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

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

**K. 02-182 RESOLUTION - RELEASE OF ESCROW MONIES - KF SCHOOLHOUSE, LLC aka JAMM REALTY CORPORATION - DOCKET NO. P99074P - \$11,950.00**

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

**WHEREAS**, the 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:** KF SCHOOLHOUSE, LLC aka JAMM REALTY CORPORATION  
**ADDRESS:** 520 Route 22 PO Box 6872  
 Bridgewater NJ 08807  
**DOCKET NO:** P99074P  
**BLOCK/LOT:** 514/6  
**LOCATION:** Schoolhouse Road  
**AMOUNT DEPOSITED:** \$12,000.00  
**AMOUNT CHARGED:** 50.00  
**AMOUNT TO BE REFUNDED:** \$11,950.00

**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. 02-183 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:

<b><u>NAME OF ORGANIZATION</u></b>	<b><u>DATE OF RAFFLE/BINGO</u></b>
New Jersey Federation of Women's Club 55 Labor Way, New Brunswick, NJ On-Premise 50/50 Raffles - RL#1342 Drawing: DoubleTree Hotel	May 17 & 18 2002 6:00 p.m. - 11:00 p.m.
Bridgewater-Raritan High School Panthers Booster Club 600 Garretson Road, Bridgewater, NJ On-Premise 50/50 - RL#1344 Drawing: DoubleTree Hotel, Somerset	June 13, 2002 5:30 pm - 10:30 p.m.

**REGULAR MEETING - APRIL 9, 2002****M. 02-184 RESOLUTION - SPECIAL EVENT PERMIT - FRANKLIN HIGH SCHOOL PROMENADE - PRE PROM PHOTO SESSIONS - MAY 3, 2002 - 4:00 PM TO 6:30 PM**

**WHEREAS**, a request has been received from Franklin High School (Larry Zambrowsky, Vice Principal, 415 Francis Street, Somerset NJ 08873) for permission to have FHS Promenade - Pre Prom Photo Sessions on May 3, 2002, to be conducted in the Community/Senior Center, 505 DeMott Lane, Somerset NJ and surrounding Municipal Grounds between the hours of 4:00 pm - 6:30 pm; and

**WHEREAS**, Franklin High 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 conduct FHS Promenade on May 3, 2002 between the hours of 4:00 pm and 6:30 pm, to be conducted in the Community/Senior Center and surrounding Municipal Grounds, 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 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.

**N. 02-185 RESOLUTION - 2002-2003 JUNKYARD LICENSE - SOMERSET RECYCLING CENTER, INCORPORATED**

**WHEREAS**, Somerset Recycling Center, Incorporated has applied for renewal of their Junkyard License for the year 2002-2003 and has paid the required fee of \$1,000.00; and

**WHEREAS**, approval of issuance of 2002-2003 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, 2002 and expire March 31, 2003 in compliance with Chapter 156 of the Township Code.

**Q. 02-186 RESOLUTION - AUTHORIZE SALE OF MUNICIPALLY OWNED PERSONAL PROPERTY - IN-HOUSE PRINTING EQUIPMENT**

**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 sale and/or disposal of municipally owned personal property no longer needed for Township use as set forth below:

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Various Items of In-House Printing Equipment  
 Wednesday, May 22, 2002  
 10:00 a.m.

**BE IT FURTHER RESOLVED** that all items shall be sold by sealed bid submitted prior to the date and time specified above through the Somerset County Equipment Auction; and

**BE IT FURTHER RESOLVED** that notice of this sale shall be published in the Legal Newspaper of the Township on May 9, 2002.

**P. 02-187 RESOLUTION – ENDORSE HAMILTON STREET REVITALIZATION PLAN**

**WHEREAS**, the Township Council has reviewed a plan prepared by Schoor DePalma for the Township of Franklin, Entitled "Hamilton Street Business District; Strategic Revitalization Plan," Draft dated November 13, 2001, Revisions November 29, 2001 and January 2, 2002;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of the Township of Franklin in the County of Somerset and State of New Jersey does endorse and adopt said plan and provide its support for the success of the Hamilton Street businesses, the community and the Township.

**Q. Removed from Consent Agenda, added as Item 15**

**R. 02-188 RESOLUTION - PROFESSIONAL SERVICE AGREEMENT - CME ASSOCIATES – DESIGN OF FRANKLIN BOULEVARD SIDEWALK PROJECT - AN AMOUNT NOT TO EXCEED \$11,560.00**

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

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

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

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

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

- (1) The Mayor and Township Clerk are hereby authorized and directed to execute the below referenced amended agreement with the below stated vendor, which agreement shall be maintained on file with the Township Clerk and available for public inspection.
- (2) This amended 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

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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: CME ASSOCIATES  
 ADDRESS: 3141 BORDENTOWN AVENUE PARLIN NJ 08859  
 CONTRACT AMOUNT: An amount not to exceed \$11,560.00  
 SERVICE: Design of Franklin Boulevard Sidewalk Project in accordance with a proposal dated October 26, 2001 on file with the Township Clerk and available for public inspection.

**S. 02-189 RESOLUTION - PROFESSIONAL SERVICE AGREEMENT – KELLER & KIRKPATRICK, INCORPORATED - DESIGN OF HENRY STREET CURBS, SIDEWALKS PAVEMENT REPAIRS & OVERLAY PROJECT - AN AMOUNT NOT TO EXCEED \$10,790.00**

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

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

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

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

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

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

**REGULAR MEETING - APRIL 9, 2002**

whatever kind or nature arising out of or claimed to arise out of alleged violations of the Act. A copy of the Act shall be attached to and incorporated in the Professional Service Agreement authorized herein.

VENDOR NAME: KELLER & KIRKPATRICK, INC  
 ADDRESS: 900 LANIDEX PLAZA PARSIPPANY, NJ 07054  
 CONTRACT AMOUNT: An amount not to exceed \$10,790.00  
 SERVICE: Design of Henry Street Curbs, Sidewalks Pavement Repairs & Overlay Project in accordance with a proposal dated October 26, 2001 on file with the Township Clerk and available for public inspection.

**T. 02-190 RESOLUTION - AMEND APPOINTMENTS TO SENIOR CITIZEN ADVISORY COMMITTEE**

**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 resolution adopted January 22, 2002 appointing Regular and Alternate Members of the SENIOR CITIZEN ADVISORY COMMITTEE for one (1) year terms commencing February 1, 2002 and expiring January 31, 2003 be and it is amended in pertinent parts as follows:

## SOMERSET SENIOR RESIDENCE:

Regular: Marlene McCollum  
 360 DeMott Lane Somerset NJ 08873

Alternate: Alice Canney  
 360 DeMott Lane #307 Somerset NJ 08873

## UNITED SENIOR OF FRANKLIN:

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

Alternate: Gloria Parker  
 88 Haverhill Place Somerset NJ 08873

**U. 02-191 RESOLUTION - ADJUST WATER CHARGES - GILDA MOORE - 78 BAIER AVENUE - BLOCK 238/LOT 11**

**WHEREAS**, Gilda Moore has an unusually high water charge for the quarter February 1, 2001 in the amount of \$680.56 for the property known as Block 238 Lot 11; and

**WHEREAS**, it has been determined that the high usage is the result of a leak; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of the Township of Franklin in the County of Somerset and State of New Jersey that the Collector of Revenue is hereby directed to adjust the aforesaid water charges to reflect the charges for said water paid by the Township to its bulk supplier, specifically a reduction to \$280.73.

**V. 02-192 RESOLUTION - DISCHARGE OF EXPIRED CDBG MORTGAGE - EMMA MICHALSKI - BLOCK 190/LOT 21 - 38 HAWTHORNE DRIVE**

**WHEREAS**, the Township of Franklin holds a mortgage for Emma Michalski for premises known as Block 190/Lot 21, located at 38 Hawthorne Drive, Somerset NJ in the amount of \$6,600.00 in conjunction with dwelling renovation through the CDBG Housing Rehabilitation Program; and

**WHEREAS**, said mortgage provides that the mortgage amount shall become immediately due upon the transfer of title by the borrower(s) or death of Borrower or in the event there is more than one Mortgagor, upon the death of the last surviving Mortgagor, within a six (6) year period after the completion of the rehabilitation; and

**REGULAR MEETING - APRIL 9, 2002**

**WHEREAS**, the aforesaid six (6) year period has expired and the mortgage is no long required to be held by the Township;

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Township Clerk be and they are hereby authorized to sign Discharge of Mortgage for the above noted properties and to have same filed with the County Recording Officer.

**W. 02-193 RESOLUTION - SUPPORT CONTINUED DEVELOPMENT OF ROCKINGHAM HISTORIC SITE - ROCKINGHAM ASSOCIATION**

**WHEREAS**, the Rockingham Historic Site, which is owned by the State of New Jersey, is in imminent danger of deterioration and destruction due to the diversion of State funds previously set aside for its revitalization; and

**WHEREAS**, this treasure is located in New Jersey, the Crossroads of the American Revolution, and in the Township of Franklin, Somerset County, which is the crossroads on New Jersey; and

**WHEREAS**, Rockingham was:

- A. A farmhouse constructed in the early and mid 1700's
- B. Owned before the revolutionary War by Judge Berrien, a Colonial Supreme Court Justice of New Jersey
- C. General George Washington's last military headquarters during the War
- D. The residence of General and Mrs. Washington for about three months in 1783 while the General attended meetings of the Continental Congress in Princeton while awaiting word of the war-ending Treaty of Paris
- E. During this period, the place where the Washington's met and entertained social, military and political leaders of the day
- F. A place where Washington set down in writing thoughts as to the need for a strong union of the States
- G. The refuge where he wrote his Farewell Orders to the armies of the United States
- H. Moved twice to nearby sites, and on July 20, 2001, was moved again to its present site, which is near its original location and is adjacent to the New Jersey Delaware and Raritan Canal State Park
- I. For most of the 20<sup>th</sup> Century and until its latest move, an attraction for thousands of visitors, a stage for historical programs and displays, and a school children's educational center; and

**WHEREAS**, public access to Rockingham has ceased, and this will continue so long as the funding crisis persists; and

**WHEREAS**, among worthy projects competing for State funds, none is more deserving or sorely in need than Rockingham;

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

- 1. The Township of Franklin strongly supports the continued development of the Rockingham Historic Site and its early public re-opening as a civic and educational asset.
- 2. The New Jersey Department of Environmental Protection, through its Division of Parks and Forestry, is urged to take such action as will cause this objective to be realized.

REGULAR MEETING - APRIL 9, 2002X. 02-194 RESOLUTION - PROFESSIONAL SERVICE – SCHOOR DE PALMA, INCORPORATED – MINDEL LITIGATION - AN AMOUNT NOT TO EXCEED AN ADDITIONAL \$5,000.00

**WHEREAS**, planning services were provided by School DePalma in conjunction with litigation in the matter of Block 417.01/Lot 5.03 at the intersection of Amwell Road and DeMott Lane; and

**WHEREAS**, these services were not anticipated to exceed the \$8,500.00 permitted to be expended without Township Council approval by Section 3-13 of the Code, however, the expenditure has reached an amount \$8,800.00, an additional \$5,000.00 will be required, and a Professional Service Agreement is now required; 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 amended agreement with the below stated vendor, which agreement shall be maintained on file with the Township Clerk and available for public inspection.
- (2) This amended 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: SCHOOR DE PALMA, INC.

ADDRESS: PO BOX 900 MANALAPAN NJ 07726

CONTRACT AMOUNT: Not to exceed \$5,000.00 in additional to funds already paid to the Vendor in accordance with Section 3-13 of the Code

SERVICE: Professional Planning Services for the Condemnation of Block 417.10/Lot 5.03

**REGULAR MEETING - APRIL 9, 2002**

Motion was made by Mr. Mazzola and Deputy Mayor Grippo to approve the items of the foregoing Consent Agenda. Township Clerk Pellicane 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. Barrier	Mr. Mazzola	No One	No One
Mayor Eberle	Mr. McKenzie		
Mr. Grippo	Mr. Mettler	<b><u>ABSENT</u></b>	
Mr. Levine	Mr. Sumter		
		Mr. Chivukula	

Motion was carried.

Ms. Barrier, Deputy Mayor Grippo and Mr. Chivukula noted their support for the preservation and improvement of Rockingham. Mr. Mettler noted his support for Rockingham and a plan by our United States Legislators to establish historic trails, etc. in New Jersey, with Rockingham being an important historic site.

**COUNCIL COMMENTS**

Ms. Barrier noted her disappointment at the Council's failure to adopt the resolution opposing Project Labor Agreements, adding that she is not against labor unions but is interested in keeping the competitive process and protect taxpayer money.

Mr. Mazzola recommended upgrades to our web site and using the web site to advertise meetings/issues and solicit public comments on items on our agenda and permit public comment. Township Manager Daly concurred and will make the upgrades.

Mr. Levine commended Council's responsive action to public comments by deferring and/or tabling ordinances.

Mr. McKenzie noted his dismay that the resolution opposing Project Labor Agreements was not tabled until such time as more information on the impact of the legislation is learned.

Deputy Mayor Grippo reminded all to vote in the School Board Election on the budget and School Board candidates on April 16<sup>th</sup> and noted that the plans for the 4<sup>th</sup> of July celebration are coming along, with plans to honor police, fire and first aid volunteers before the fireworks.

Mayor Eberle thanked the public for coming to the meeting and her regret that more information on the Project Labor Agreements legislation was not available.

**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:

**Land Acquisition**

**Griggstown Quail Farm  
Kingston School  
Puchalek**

**REGULAR MEETING - APRIL 9, 2002**

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.

**Litigation -****Spiniello Construction vs. Franklin**

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

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin, assembled in public session on this 9<sup>th</sup> day of April, 2002, that an Executive Session closed to the public shall be held on April 9, 2002, at 10:04 pm in the Franklin Township Municipal Complex, 475 DeMott Lane Somerset New Jersey for the discussion of matters relating to the specific items designated above.

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

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

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

This Resolution shall take effect immediately.

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

Council adjourned to Executive Session at 10:04 p.m. Meeting resumed and was immediately adjourned at 10:23 p.m.

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**SHIRLEY EBERLE, MAYOR**

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