

**REGULAR MEETING OF THE TOWNSHIP COUNCIL
TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, NEW JERSEY
APRIL 13, 2004**

The 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 7:17 p.m.

Mayor Levine read a statement indicating all requirements of P.L. 1975, Chapter 231 (The Open Public Meetings Act) had been met.

Everyone present participated in the Salute to the Flag and an invocation led by Councilman Regan.

CALL TO ORDER

The Township Clerk called the roll.

Present: Ms. Ashley-Williams, Mr. Chivukula (arrived late), Ms. Eberle, Mayor Levine, Deputy Mayor McKenzie, Mr. Regan, Mr. Sumter, Mr. Unger.

Absent: Mr. Schrum

Also Present: Louis N. Rainone, Esq., Township Attorney; Kenneth W. Daly, Township Manager; Ann Marie McCarthy, RMC, CMC, Township Clerk

PROCLAMATION

Arbor Day

Mayor Levine read and presented the following proclamation to Michael Orsini, Chairman of the Shade Tree Commission:

WHEREAS, the Township of Franklin recognizes the value of preserving and maintaining the urban forest; and

WHEREAS, trees conserve energy, promote a healthy environmental, add value to our homes and enhance the appearance of neighborhoods, parks and communities; and

WHEREAS, the Township of Franklin has recognized the value of trees by creating a Shade Tree Commission to promote tree conservation, and planting and caring of trees on public property throughout the Township; and

WHEREAS, National Arbor Day is April 30, 2004 is celebrated by communities nationwide as a time to promote the benefits of trees; and

WHEREAS, in recognition and celebration of Arbor Day 2004, the Shade Tree Commission and community volunteers will plant 40 tree, including Sergeant Cherry and Ivory Silk Tree Lilac in the area of DeMott Lane and New Brunswick Road on Saturday, April 24th;

NOW, THEREFORE, I, MAYOR BRIAN D. LEVINE, on behalf of the Township Council of the Township of Franklin, County of Somerset and State of New Jersey, do hereby proclaim **Saturday, April 24, 2004 as "Arbor Day"** in the Township of Franklin, Somerset County and do hereby encourage all residents to plant, conserve and care for trees throughout Franklin Township.

PROCLAMATION

Tour de Franklin Day

Mayor Levine read the following proclamation:

WHEREAS, the Franklin Township Food Bank's mission and purpose is to help address the food needs of Franklin Township residents who are in need of food, and to do so at no cost to them; and

WHEREAS, Franklin Township Food Bank carries out this purpose by asking local individuals, houses of worship, schools, non-profit groups, businesses and professionals for donations of food staples and money for supplemental food purchases, by packaging donated and purchased food into types and quantities suitable for various family/household sizes, and distributing the packages to people in need who come to their facility; and

WHEREAS, Franklin Township Food Bank performs its mission five days a week, 52 weeks a year, through the efforts of numerous devoted volunteers supervised by a few part-time paid employees; and

WHEREAS, Franklin Township Food Bank is holding its 15th Annual Tour De Franklin to raise funds for purchasing food;

NOW, THEREFORE, I, BRIAN D. LEVINE, MAYOR of the Township of Franklin, County of Somerset, State of New Jersey, on behalf of the Township Council, commemorate Tour De Franklin and do hereby proclaim **SUNDAY, APRIL 25, 2004 as**

"FRANKLIN TOWNSHIP TOUR De FRANKLIN DAY"

and call upon the people of Franklin to support the Food Bank by participating in this event and by contributing throughout the year to this humanitarian effort.

CHECK PRESENTATION

Hamilton Street Business & Community Corporation

Mayor Levine and Frank Hasner, Economic Development Director, presented Pro Tech System, 494 Hamilton Street as the matching fund for his façade improvement in the amount of \$8,982.50 in connection with the Economic Development Incentive Program (EDIP).

COMMENDATIONS

BLACK HISTORY MONTH VOLUNTEERS

Read by Mayor Levine:

I, BRIAN D. LEVINE, MAYOR OF THE TOWNSHIP OF FRANKLIN IN THE COUNTY OF SOMERSET AND STATE OF NEW JERSEY do hereby extend to the following individuals appreciation and commendation of the Township Council for their active part in making the February Black History Month Celebration an overwhelming success:

BLACK HISTORY MONTH COMMITTEE

Marie Thompson, Program Chairperson
Karin Stockwell, Children's Day Chairperson
Linda Taylor, Children's Day
Barbara McKenzie, Children's Day
Adrienne Lewis, Children's Day
Luz Molina, Children's Day
Linda Bailey, Children's Day
Lorraine Boyd, Gospel

PROGRAM VOLUNTEERS

Singing Pastors
Shepards
Ron Richards

PROGRAM SUPPORT SERVICES VOLUNTEER

Lorene Osley-Johnson
 N'Dia Baxton
 Christian Lewis
 Chaynae McKinnie
 Rondale Dugue
 LUEP/Latinos Unidos en Poder
 Adria Sanders
 Nicole McKenzie
 Celeste Freeland
 Cynthia Dale

Mayor Levine, Deputy Mayor McKenzie, Councilman Sumter and Diane Hensley, Community Resources and Services Administrator presented commendations to each recipient.

Mr. Chivukula arrived at the meeting at 7:34 p.m.

Ms. Hensley invited Council and the audience to join the Volunteers to partake of refreshments. The meeting recessed at 7:40 p.m. and resumes at 7:55 p.m.

MAYOR'S REPORT

Mayor Levine reported the following:

- The Council meeting was being videotaped by Patriot Media.
- John Grosso passed away last week and paid tribute to him. Mayor Levine stated that in February, Council presented a proclamation in celebration of his 80th birthday.
- On April 5th, DCA Commissioner Susan Bass Levin presented Franklin Township with a \$75,000 Livable Communities Grant for local library aid. The \$75,000 grant will go directly for tax relief. He thanked the State Legislative Representatives for their assistance.
- There will be a public meeting held on April 28, 2004 at 7:00 at the Franklin Park School located at 30 Eden Street. Local Officials and Representatives from the New Jersey Department of Environmental Protection will discuss testing regiments, city water hookups, Spill Fund eligibility, and health and economic effects. A question and answer period will follow.
- The New Jersey Conference of Mayors will be holding a conference next week which he will be attending.

DEPUTY MAYOR'S REPORT

Deputy Mayor McKenzie spoke about John Grosso stating that he was in favor of a strong independent democratic government and open government. He was a realist and expressed his opinions. He spoke freely, yet was sensitive to others. He made observations that benefited the township. He will be missed. Deputy Mayor McKenzie suggested that if Franklin Township ever builds a Senior Center, it be named the John P. Grosso Senior Center.

Deputy Mayor McKenzie announced that April 28, 2004 is also the date for the first meeting regarding Identity Theft for all citizens at 7:00 p.m.

REVIEW OF PREPARED AGENDA

Mayor Levine led a review of the prepared agenda.

Ordinance Nos. 3431 and 3432

Mr. Daly recommended that Items 12 a & b be tabled until the April 27th meeting. These ordinance are in connection with the acquisition of the land under the water tower. He reported that the Beacon Hill Homeowners Association is holding a special meeting at 6:30 pm tomorrow night to come to a final decision. He also reported that the Board of Adjustment is proceeding with the hearing of the application at its April 22nd meeting.

Ordinance No. 3452

Mr. Unger asked how much money was appropriated in Bond Ordinance No. 3452 for the Public Works parking lot, noting there are roads that are in need of repair before a parking lot. Mr. Daly replied he would get back to Mr. Unger with the exact amount and noted this project has been put off three times prior and this is the first time it has made it this far.

Ordinance No. 3453

Mr. Unger asked how streets are selected to be paved. Mr. Daly replied that during the capital budget process, Council reviews the recommendations from the Department of Public Works. He stated the Department of Public Works is in the process of updating the road condition survey.

Mr. Regan asked for clarification regarding last years bond ordinances. Mr. Daly replied that Council adopts the Capital Budget. The money is not appropriated until a bond or capital ordinance are adopted. These projects are part of last year's budget.

Resolution #04-173

Mr. Daly reported the amount of the contract has been reduced from \$67,300 to \$59,100.

Appointments

Mr. Chivukula added the following appointments to the Consent Agenda:

dd) Township Council Representatives to the Recreation Facilities Subcommittee – Fred McKenzie and Brian Levine.

ee) Appointment to Unexpired five-year Sewerage Authority term ending January 31, 2007 - Phil Habrukowich.

COUNCIL DISCUSSION ITEMS**Donation of Block 97, Lot 42 (145 Delmonico Avenue) to Township**

Mr. Daly reviewed Mr. Howard's offer to donate 145 Delmonico Avenue to the Township to allow the Township to sell the property to Habitat for Humanity. Mr. Howard stated in his letter of March 12, 2004 that "It appears that this is the only way the Council will remove the deed restriction to allow Habitat to build an affordable home on this property." The letter also states Mr. Howard will donate this property to the Township and transfer his contract between himself and Habitat in the amount of \$40,000 to the Township as well. Mr. Rainone reviewed the legal obstacles that would result from this transaction.

Ms. Ashley-Williams asked why the original restriction was placed on the property. Mr. Rainone replied the lot is small and undersized and would only be sold to adjacent property owners. A brief discussion ensued regarding this request and no action was taken at this time.

Mini Dump Suggestions

Mr. Daly went over the following Mini Dump Suggestions drafted by Department of Public Works Office Staff and Supervisors:

<u>CURRENT PROCEDURES</u>	<u>SUGGESTED CHANGES</u>
Mini Dump Season – March-November – Opened Saturdays and Mondays 3 Special Winter Saturdays	Open 1 st Saturday of every month Open Mondays all year round
Residents pay for use of Mini Dump.	Eliminate fees.
Residents pay for leaf bags at Public Works, Mini Dump and the Township Clerk’s Office.	Free bags (or bundle) to each residence at Public Works and Mini Dump only. Control list at Public Works and Mini Dump only.
Residents pay for curbside pickup. Large metal appliances only. Pick up must be scheduled on Mondays only.	Residents pay for curbside pickup. Large metal appliances. Bulk items will be included. Pick up must be scheduled on Mondays only.

The suggested changes would:

- Meet the year-round need for disposal of bulk items.
- Curb illegal dumping around the Township.
- Eliminate security concerns.
- Save money in the overtime budget lines (12 days of scheduled Saturdays instead of 33)
- Give something back to taxpayers.
- Help the Seniors and those unable to get to the dump.

Mr. Daly stated the peak season is coming up and he would like policy direction from Council. The ordinance would have to be amended for any formal changes.

Deputy Mayor McKenzie opined there would be more complaints if the number of Saturdays were reduced from 33 to 12.

Mr. Regan suggested that Fridays replace Mondays since many Mondays are holidays. He suggested rolling back the fees instead of eliminating them entirely. Mr. Regan expressed his concerns with reducing the number of Saturdays.

Mr. Daly stated there is a vulnerability with cash on Saturdays at the Mini Dump. There is the possibility of the cash being stolen or lost. It is their request to make the Mini Dump cashless. The permits should be bought prior at the Township Clerk’s Office or the Department of Public Works.

After a brief discussion, it was the consensus of the Township Council to keep the policy of the Mini Dump “as is.” Mr. Daly stated that he would make the administrative change that passes be bought prior to at either the Department of Public Works or the Township Clerk’s Office.

Mr. Regan left the meeting at 8:40 p.m.

Williams Pool Schedule

Mr. Daly reported the Williams Pool Schedule was discussed at the March 2004 meeting of the Recreation Advisory Council. He stated the Township Council had provided extra funding in the FY04 budget to allow for Saturday operation of the pool for children in K-8 grades. He stated the Recreation Director has reported that although well publicized, the attendance on Saturdays at the pool during the 2003 summer was much less than anticipated.

The Recreation Staff and Council members agree that they would like to expand the pool use on Saturdays to families and charge a reasonable fee for members. It is their goal to increase attendance and to give a sense of how a user fee would be received. The hours of operation will not be expanded.

Mr. Sumter stated that the hours should be extended and there should be more programs for the Senior Citizens. The pool should be utilized.

Ms. Eberle stated that it is a community pool and it should be used by the whole community. She suggested if user fees are established, there be a sliding scale.

Ms. Ashley-Williams asked why they would be charging fees to include families when the pool is underutilized. Mr. Daly replied there would be a need for additional lifeguards. Ms. Ashley-Williams stated if there are no additional costs, there should not be fees. Mayor Levine agreed.

Ms. Eberle stated that the whole community should use the pool. Mr. Daly stated that on Saturdays the pool is only used by children.

After a brief discussion, it was the consensus of the Township Council to include families on Saturdays. They directed the Township Manager to question the Recreation Advisory Council as to why user fees need to be established.

Request of Vacation of a portion of Winslow Avenue – Block 200, Lots 26-32)

Mr. Rainone reported he has spoken with the applicant's attorney and it was decided it would be more appropriate to make an application to the Planning Board and include this issue in the application. Mr. Peter Lanfrit, attorney for the applicant, agreed.

Franklin Park Water Issues

Mr. Daly reported there will be a public meeting held on April 28, 2004 at 7:00 at the Franklin Park School located at 30 Eden Street. Local Officials and Representatives from the New Jersey Department of Environmental Protection will discuss testing regiments, city water hookups, Spill Fund eligibility, and health and economic effects.

4th of July Celebration

Mr. Daly reported that the 4th of July Committee meeting to further discuss plans for this year's celebration. The various concerns that led the Committee to recommending a change in the format for this year's celebration were discussed. There was a general consensus that there were a variety of benefits to holding this event on Friday, July 2 and eliminating the entertainment which would significantly reduce overtime costs. The Committee is still interested in providing refreshments and fundraising on behalf of the Veterans Memorial.

Mr. Unger reported there was disagreement as to whether the event should be called a 4th of July Celebration of an Independence Day Celebration. Ms. Ashley-Williams stated that 4th of July Celebration was acceptable to her. Mr. Daly stated the major change is that events will begin later and not be held all afternoon. Deputy Mayor McKenzie expressed his concerns of low attendance because of people going away for the holiday weekend or because they worked that day. Mayor Levine stated they will review this again next year.

APPROVAL OF MINUTES

Regular Meetings of September 30, 2003 and December 11, 2003

Upon motion by Mr. Chivukula and seconded by Mr. Sumter, the minutes of the September 30, 2003 and December 11, 2003 Regular Meetings were approved as submitted as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Chivukula	Eberle		Ashley-Williams	Schrum
Levine	McKenzie		Unger	Regan
Sumter				

Regular Meeting of March 23, 2004

Upon motion by Mr. Chivukula and seconded by Mr. Sumter, the minutes of the March 23, 2004 Regular Meeting were approved as submitted as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Ashley-Williams	Chivukula			Schrum
Eberle	Levine			Regan
McKenzie	Sumter			
Unger				

WARRANTS

Read by Mayor Levine:

1	Current	620,492.57
5	Water Operating	26,812.78
4	General Capital	127,143.96
15	General Trust	10,375.23
18	Self Insurance Trust	759.09
21	Recreation Trust	1,351.00
12	Open Space Trust	471.80
2	Grant	35,416.65
3	Collector Trust	77,291.30
13	Redevelopment Agency	2,301.95
	SUB-TOTAL	902,416.33
	Escrow Account	74,040.45
	GRAND TOTAL	976,456.78

Motion was made by Deputy Mayor McKenzie and seconded by Mr. Chivukula to approve the Warrants.

Mr. Unger asked why the Police Department purchased 30,000 rounds of Remington .223 when they do not need it to qualify. Mr. Daly replied he would get an answer to Mr. Unger's question tomorrow.

Township Clerk McCarthy polled the Mayor and Council, the vote being as follows:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Ashley-Williams	Chivukula			Schrum
Eberle	Levine			Regan
McKenzie	Sumter			
Unger				

Motion was carried.

ORDINANCES, TABLED

Ordinance Nos. 3431 & 3432

Mr. Chivukula moved to table the following ordinances until the April 27, 2004 meeting:

Ordinance #3431: An Ordinance to Acquire by Purchase or Condemnation certain lands within the Township of Franklin, Somerset County, 0.703 acre portion of Block 34.09, Lot 59.02 – Vliet Road for Purchase of Land under Water Tank.

Ordinance #3432: Capital Ordinance Providing for the Acquisition of a Utility Easement on Block 34.09, Lot 59.02, in and by the Water Utility of the Township of Franklin, in the County of Somerset, State of New Jersey (the "Township"); Appropriating \$65,000 therefor from the Water Utility Capital Improvement Fund of the Township to pay the cost thereof.

Said motion was seconded by Ms. Eberle and carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Ashley-Williams	Chivukula			Schrum
Eberle	Levine			Regan
McKenzie	Sumter			
Unger				

ORDINANCES, PUBLIC HEARING

Ordinance No. 3441:

Mayor Levine offered the following ordinance:

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 226-25 (BUS STOPS – ALONG ROUTE 27)

Mayor Levine stated this ordinance is called up for second reading and final passage. The Township Attorney has approved the Affidavit of Publication and a public hearing is in order.

A motion was made by Mr. Chivukula to open the public hearing on the aforesaid ordinance. Said motion was seconded by Mr. Sumter and carried unanimously upon voice vote.

There being no comments from the public, a motion was made by Mr. Sumter to close the public hearing on the aforesaid ordinance. Said motion was seconded by Deputy Mayor McKenzie and carried unanimously upon voice vote.

A motion was made by Mr. Chivukula to adopt the ordinance on final passage and publication in accordance with law. Said motion was seconded by Mr. Sumter and carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Ashley-Williams	Chivukula			Schrum
Eberle	Levine			Regan
McKenzie	Sumter			
Unger				

Ordinance No. 3442

Mayor Levine offered the following ordinance:

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY MORE PARTICULARLY CHAPTER 226, VEHICLES & TRAFFIC – SECTION 226-4, PENALTIES (INCREASE THE ASSESSMENT OF TRAFFIC SUMMONSES BY ONE (\$1.00) DOLLAR)

Mayor Levine stated this ordinance is called up for second reading and final passage. The Township Attorney has approved the Affidavit of Publication and a public hearing is in order.

A motion was made by Mr. Chivukula to open the public hearing on the aforesaid ordinance. Said motion was seconded by Mr. Sumter and carried unanimously upon voice vote.

Philip Kramer, 429 Canal Road, asked why type of brain injury research would this surcharge go to. Mr. Chivukula stated he would get the answer to Mr. Kramer.

There being no further comments from the public, a motion was made by Mr. Sumter to close the public hearing on the aforesaid ordinance. Said motion was seconded by Mr. Chivukula and carried unanimously upon voice vote.

A motion was made by Mr. Chivukula to adopt the ordinance on final passage and publication in accordance with law. Said motion was seconded by Mr. Sumter and carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Ashley-Williams	Chivukula			Schrum
Eberle	Levine			Regan
McKenzie	Sumter			
Unger				

Ordinance No. 3443

Mayor Levine offered the following ordinance:

ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 127, FEES – SECTION 127-6, FEE SCHEDULE FOR HEALTH DEPARTMENT – EFFECTIVE MARCH 1, 2004 (BURIAL PERMIT - \$5.00)

Mayor Levine stated this ordinance is called up for second reading and final passage. The Township Attorney has approved the Affidavit of Publication and a public hearing is in order.

A motion was made by Mr. Chivukula to open the public hearing on the aforesaid ordinance. Said motion was seconded by Mr. Sumter and carried unanimously upon voice vote.

There being no comments from the public, a motion was made by Mr. Chivukula to close the public hearing on the aforesaid ordinance. Said motion was seconded by Mr. Sumter and carried unanimously upon voice vote.

A motion was made by Mr. Chivukula to adopt the ordinance on final passage and publication in accordance with law. Said motion was seconded by Mr. Sumter and carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Ashley-Williams	Chivukula			Schrum
Eberle	Levine			Regan
McKenzie	Sumter			
Unger				

Ordinance No. 3444

Mayor Levine offered the following ordinance:

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY MORE PARTICULARLY CHAPTER 52 - SALARIES & COMPENSATION - SECTION 52-4: ANNUAL COMPENSATION AND LONGEVITY FOR MANAGERIAL AND EXEMPT EMPLOYEES (BLUE COLLAR SUPERVISORS)

Mayor Levine stated this ordinance is called up for second reading and final passage. The Township Attorney has approved the Affidavit of Publication and a public hearing is in order.

A motion was made by Mr. Chivukula to open the public hearing on the aforesaid ordinance. Said motion was seconded by Ms. Eberle and carried unanimously upon voice vote.

There being no comments from the public, a motion was made by Mr. Sumter to close the public hearing on the aforesaid ordinance. Said motion was seconded by Mr. Chivukula and carried unanimously upon voice vote.

A motion was made by Mr. Chivukula to adopt the ordinance on final passage and publication in accordance with law. Said motion was seconded by Mr. Sumter and carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Ashley-Williams	Chivukula	Unger		Schrum
Eberle	Levine			Regan
McKenzie	Sumter			

Ordinance No. 3445

Mayor Levine offered the following ordinance:

BOND ORDINANCE PROVIDING FOR THE PURCHASE AND INSTALLATION OF VARIOUS INFORMATION SERVICES EQUIPMENT FOR VARIOUS DEPARTMENTS AND THE CONSTRUCTION OF A NEW EQUIPMENT ROOM, BY AND IN THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$268,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$255,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COSTS THEREOF

Mayor Levine stated this ordinance is called up for second reading and final passage. The Township Attorney has approved the Affidavit of Publication and a public hearing is in order.

A motion was made by Mr. Chivukula to open the public hearing on the aforesaid ordinance. Said motion was seconded by Mr. Sumter and carried unanimously upon voice vote.

John McConville, 5 Stone Leigh Way, asked why the amount changed from introduction. Township Clerk Ann Marie McCarthy replied that the amount was changed on the final version of

the March 9, 2004 agenda. Mr. Daly stated this will move the telephone and computer servers to a safer place.

There being no further comments from the public, a motion was made by Mr. Chivukula to close the public hearing on the aforesaid ordinance. Said motion was seconded by Mr. Sumter and carried unanimously upon voice vote.

A motion was made by Mr. Chivukula to adopt the ordinance on final passage and publication in accordance with law. Said motion was seconded by Mr. Sumter and carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Ashley-Williams	Chivukula			Schrum
Eberle	Levine			Regan
McKenzie	Sumter			
Unger				

Ordinance No. 3446

Mayor Levine offered the following ordinance:

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY MORE PARTICULARLY CHAPTER 210 – STREETS & SIDEWALKS (DEFINITIONS & PERMIT FOR OPENING; EXCEPTION)

Mayor Levine stated this ordinance is called up for second reading and final passage. The Township Attorney has approved the Affidavit of Publication and a public hearing is in order.

Mayor Levine stated this ordinance provides a five (5) year moratorium on road openings on newly constructed and reconstructed streets and a three (3) year moratorium on road openings on newly overlaid streets.

A motion was made by Mr. Chivukula to open the public hearing on the aforesaid ordinance. Said motion was seconded by Mr. Sumter and carried unanimously upon voice vote.

There being no comments from the public, a motion was made by Mr. Sumter to close the public hearing on the aforesaid ordinance. Said motion was seconded by Ms. Eberle and carried unanimously upon voice vote.

A motion was made by Mr. Chivukula to adopt the ordinance on final passage and publication in accordance with law. Said motion was seconded by Mr. Sumter and carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Ashley-Williams	Chivukula			Schrum
Eberle	Levine			Regan
McKenzie	Sumter			
Unger				

PUBLIC DISCUSSION

A motion was made by Mr. Chivukula and seconded by Ms. Eberle to open the meeting to the public. Said motion carried unanimously upon voice vote.

Charles Seigel, Franklin Greens, thanked Council for the kind words spoken about John Grosso. Mr. Seigel spoke about flyers that were distributed regarding affordable housing and the school budget. He stated that neither issue has to do with the other.

Sid Lentz, Cornelius Way, expressed his opposition to a resolution instituting a time limit on public portion at meetings. He stated there are certain times need more time than allotted. He stated it would be a disservice to the community and unfair. He asked the Council to remove this resolution from the Consent Agenda and vote on it separately.

Mayor Levine replied that Council is trying to strike a right balance regarding public portions at the meeting and being fair to everyone.

Courtney Throckmorton, 591 Somerset Street, opposed time limits, stating that two minutes is not enough time for an inexperienced public speaker. He stated that Council should be more flexible and fair.

Mr. Throckmorton expressed his opposition to eminent domain, stating that the public taking land for private use is wrong and unconstitutional. He stated eminent domain should only be used by the Township Council in extreme circumstances.

Harold Leventhal, 360 DeMott Lane, thanked Council for the kind words about John Grosso. He stated that Mr. Grosso saved the Township money with some of his ideas and he will be missed.

Mr. Leventhal expressed his opposition to limiting the public portion.

Lucretia Corteylou, 1892 Amwell Road, expressed her concerns of the cost the Negri/Nepote project. She stated that Council should be asking if it is needed and can we afford it before starting the project. She expressed her opposition of increasing the open space tax by two cents and noted it needs to be voted on by referendum.

Mr. Regan stated the Open Space Advisory Committee discussed their plans and there is no increase in the open space tax currently being collected. They are accountable for all their expenses. Mayor Levine stated Council approves all open space expenses. Mr. Chivukula stated that the open space tax was increased from three cents to five cents by referendum.

Carol Peterson, 12 Lakewood Avenue, expressed her concerns of Molecular Wire's non-compliance of the Clean Air Act during the hours of 6pm to 6am. She asked Council to address the matter so that it does not happen again. She asked for more public information and drafting of regulations in connection with this matter.

John McConville, 5 Stone Leigh Way, suggested the back road behind the Municipal Complex be included in the \$1.5 million resurfacing project. He asked for the policy of Council responding directly after a question or comment is made during the public portion be reinstated. He asked Council to take the same approach as Tewksbury and adopt large lot zoning. Mr. Rainone replied that large acre zoning has to be consistent with the character of the municipality. This will be addressed during the revision to the master plan.

Philip Kramer, TUF, objected to canceling a meeting for a holiday not recognized as a Township holiday. He opposed to Council's proposed time limits for public portion and requested the resolution be tabled. He stated the public has the right to speak. He requested this matter be tabled and discussed at the next meeting.

Shirley Pietrucha, 49 9th Street, agreed with Mr. Kramer's statements, noting the public portion is the only part of the meeting when the public can speak about resolutions. She stated she has seen a lot of positive changes regarding public portions and asked it continue. She requested the resolution be removed from the consent agenda.

Michael Orsini, 24 Nepote Place, stated open space funds can be used to clean land that has been purchased. He stated Mr. Regan, formerly the Chairperson of the Open Space Advisory Committee addressed the possible need to increase the open space tax if the Township is going to continue to acquire property for the open space program.

A motion was made by Mr. Chivukula and seconded by Mr. Sumter to close the meeting to the public. Said motion carried unanimously upon voice vote.

COUNCIL COMMENTS

Mr. Regan stated his comments made at the Council Retreat were that if the Township is going to continue to be proactive in acquiring open space, the open space funds will eventually run out. Mr. Regan stated the possible large lot rezoning will be addressed in the master plan revision process. He stated that Council will continue to be proactive and look into the issue regarding zoning chemical plants.

Mr. Unger stated that the resolution regarding public portion policy should be tabled and reconsidered at the next meeting to allow for public input.

Ms. Eberle stated the resolution was initiated when people came to meetings to speak and waited a long time before it was their turn to speak. There were times when a speaker would take a half hour to speak. She stated the resolution is not to restrict speakers, it is to keep it fair for everyone to speak.

Ms. Ashley-Williams reported 5 out of 8 speakers this evening spoke against the resolution regarding public portion policy. She agreed the resolution should be pulled for discussion, noting Council does not have to rush their decision.

Ms. Ashley-Williams reported she attended a luncheon that discussed the exporting of jobs in the United States which results in unemployment in Franklin Township and in the United States. By exporting jobs, the country does not receive any taxes or money back. She suggested Council look at creative ways to create jobs in Franklin Township.

Mr. Sumter stated he will miss John Grosso, noting he was a good friend. He agreed Council should take another look at the public portion resolution and agreed with Ms. Eberle's comments. Mr. Sumter supported Ms. Ashley-Williams comments regarding creating jobs.

Mr. Chivukula stated he would look into existing laws to see what can be done in connection with Mrs. Peterson's requests. Mr. Chivukula stated he was open to input regarding the public portion resolution and he is sensitive to other's opinions.

Deputy Mayor McKenzie expressed his hopes there be results from the Franklin Park Water Hearing on the 28th. Deputy Mayor McKenzie stated he would be open to revisiting the public portion resolution.

Mr. Chivukula gave a brief background of the Franklin Park Water issue. He stated he attended a meeting with Mr. Jensen and the NJDEP regarding the use of Spill Funds. During this discussion, it was found that a new chemical resulting from dry cleaner agents was found. He stated Council will stay on top of this matter and he would stay in contact with the NJDEP.

Mr. Regan stated the time limit was instituted to help Council work for effectively and efficiently. He noted it tends to be difficult to make decisions at 11:00 p.m. There have been times when citizens challenge each other during the public portion, resulting in arguments. It is not his intent to limit or restrict the public from speaking.

Mayor Levine stated his goal is to find the right balance in regards to the public portion.

Mr. Chivukula stated in 1998 there were no time limits and there were times when a person would speak for over an hour.

INTRODUCTION OF ORDINANCES

Ordinance No. 3433

Mayor Levine presented the following ordinance:

AN ORDINANCE AMENDING ORDINANCES AUTHORIZING LEASES WITH THE MEADOWS FOUNDATION, INCORPORATED FOR UTILIZATION AS HISTORIC HOUSES AND PARKS AND AMENDING TERM OF LEASE TO TWENTY-FIVE (25) YEARS which is presented to the Township Council for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on May 11, 2004.

The aforesaid ordinance was moved by Mr. Chivukula and seconded by Mr. Sumter. Said motion carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Ashley-Williams	Chivukula			Schrum
Eberle	Levine			
McKenzie	Regan			
Sumter	Unger			

Ordinance No. 3452

Mayor Levine presented the following ordinance:

BOND ORDINANCE PROVIDING FOR THE RESURFACING OF VARIOUS ROADWAYS AND THE PARKING LOT OF THE DEPARTMENT OF PUBLIC WORKS FACILITY, IN AND BY THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$1,189,925 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,133,261 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COSTS THEREOF which is presented to the Township Council for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on May 11, 2004.

The aforesaid ordinance was moved by Mr. Chivukula and seconded by Mr. Sumter. Said motion carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Ashley-Williams	Chivukula			Schrum
Eberle	Levine			
McKenzie	Regan			
Sumter	Unger			

Ordinance No. 3453

Mayor Levine presented the following ordinance:

BOND ORDINANCE PROVIDING FOR THE RESURFACING OF BERGER STREET FROM JOHN F. KENNEDY BOULEVARD TO VANDERBILT AVENUE, IN AND BY THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$285,033 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$128,602 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COSTS THEREOF which is presented to the Township Council for adoption on first

reading, posting, publication in accordance with law and public hearing and final adoption on May 11, 2004.

The aforesaid ordinance was moved by Mr. Chivukula and seconded by Mr. Sumter. Said motion carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Ashley-Williams	Chivukula			Schrum
Eberle	Levine			
McKenzie	Regan			
Sumter	Unger			

Ordinance No. 3454

Mayor Levine presented the following ordinance:

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 39, OPEN SPACE TRUST FUND - SECTION 39-6, APPOINTMENT, MEMBERSHIP, TERM (ADD ONE SHADE TREE COMMISSION MEMBER) which is presented to the Township Council for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on May 11, 2004.

The aforesaid ordinance was moved by Mr. Chivukula and seconded by Mr. Sumter. Said motion carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Ashley-Williams	Chivukula			Schrum
Eberle	Levine			
McKenzie	Regan			
Sumter	Unger			

Ordinance No. 3455

Mayor Levine presented the following ordinance:

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY MORE PARTICULARLY CHAPTER 226, VEHICLES & TRAFFIC – SECTION 226-4, PENALTIES which is presented to the Township Council for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on May 11, 2004.

The aforesaid ordinance was moved by Mr. Chivukula and seconded by Mr. Sumter. Said motion carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Ashley-Williams	Chivukula			Schrum
Eberle	Levine			
McKenzie	Regan			
Sumter	Unger			

Ordinance No. 3456

Mayor Levine presented the following ordinance:

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, SOMERSET COUNTY, NEW JERSEY, MORE PARTICULARLY CHAPTER 226, VEHICLES & TRAFFIC – SECTION 226-17, VEHICLES OVER DESIGNATED WEIGHT EXCLUDED

(MAGNOLIA ROAD) which is presented to the Township Council for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on May 11, 2004.

The aforesaid ordinance was moved by Mr. Chivukula and seconded by Mr. Sumter.

Deputy Mayor McKenzie questioned the need for this ordinance, noting he didn't realize heavy truck traffic on Magnolia, he thought it was school buses. Mr. Chivukula stated trucks use Magnolia Road as a cut through from JFK Blvd. and DeMott Lane. Mr. Daly stated complaints have been received that there is heavy truck and school bus traffic on Magnolia Road. Mr. Unger stated that other roads in the area are weight restricted, noting that by placing a weight restriction on Magnolia Road, it would make it consistent with the other roads in the area. Mr. Regan asked if a general ordinance placing weight restrictions on roads could be adopted. Mr. Daly replied that roads have to meet NJDOT criteria to have weight restrictions placed on them.

Said motion carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Ashley-Williams	Chivukula			Schrum
Eberle	Levine			
McKenzie	Regan			
Sumter	Unger			

Ordinance No. 3457

Mayor Levine presented the following ordinance:

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY MORE PARTICULARLY CHAPTER 218, TAXICABS which is presented to the Township Council for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on May 11, 2004.

The aforesaid ordinance was moved by Mr. Chivukula and seconded by Ms. Eberle.

Mayor Levine expressed his opinion that he thought this ordinance was over regulating taxicabs. Mr. Regan agreed. Mr. Daly replied the ordinance was in response to complaints received in Countryside that taxis honk their horns at 6:00 a.m. After a brief discussion, it was the consensus of Council to redraft the ordinance and look into the possibility of regulating the time of day that a taxi could and could not summon a fare. The ordinance was tabled at this time.

Ordinance No. 3458

Mayor Levine presented an ordinance in connection with the Griggstown/Quail Farm Easement. Mr. Daly reported the Township Attorney is preparing an easement on the farm property that the Township will purchase for \$1.00 to make the arrangement legally binding and allow for the Farm to proceed with its sewer hookup.

Mr. Daly stated the structure of this approach to "preservation" of the Farm is as follows: Lot 45.03, Block 20.02 is at the corner of Bunker Hill Road and Canal Road. It is the site of the Quail Farm operations and the one lot which the owner wishes to be included in the sewer service area. This lot is in the Canal Preservation zone (CP), which only allows one house per six acres. The lot is 23.491 acres. There are two houses currently on the lot. Because of environmental constraints, both the owner and John Loos have indicated that it is probable that only one more house could be built on the property.

Mr. Daly indicated he would like to hire a planner and/or engineer to prepare an as-of-right plan for the property to confirm how many, if any, more houses could be built on the lot under current zoning. The property owner record a deed restriction (an easement to the Township) never to apply to build more houses than the current zoning allows as shown in the as-of-right plan.

Mr. Daly stated there are two other lots owned by the principals of the Griggstown Quail Farm farther up Bunker Hill Road. These two lots will not be included in this easement and will remain under CP zoning, outside the sewer service area.

It was established that an ordinance had not been prepared, therefore Mr. Rainone opined the ordinance, when drafted, be introduced at the April 27, 2004. It was the consensus of Council to proceed as recommended by Mr. Daly and Mr. Rainone.

CONSENT AGENDA

Mr. Chivukula moved to table Item #17A from the Consent Agenda. Said motion was seconded by Mr. Sumter and carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Ashley-Williams	Chivukula			Schrum
Eberle	Levine			
McKenzie	Regan			
Sumter	Unger			

Upon motion by Mr. Chivukula, seconded by Mr. Sumter, the following Consent Agenda Items (b – ee) were adopted as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Ashley-Williams	Chivukula			Schrum
Eberle	Levine			
McKenzie	Regan			
Sumter	Unger			

Resolution #04-161 Acceptance Project, Release of Performance Bond, Authorize Change Order and Approval of Final Payment in connection with Intersection Improvements at Davidson Avenue and Pierce Street.

WHEREAS, the Township Council of the Township of Franklin in the County of Somerset, New Jersey has on October 22, 2002 authorized the awarding of a contract to Foggia-Supreme Electric, Inc., 15 Ora Court, East Hanover, NJ 07938 in the amount of \$114,720.20 for Intersection Improvements to Davidson Avenue and Pierce Street; and

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

- Item:** Performance Bond
- Name of Applicant:** Foggia-Supreme Electric, Inc.
- Address of Applicant:** 15 Ora Court, East Hanover, NJ 07936
- Number:** 0350934
- Insurance Company:** International Fidelity Insurance Company
- Amount:** \$114,720.00
- For:** Intersection Improvements – Davidson Avenue & Pierce Street

WHEREAS, the aforesaid Contractor has requested release of the aforesaid Performance Bond and the Township Engineer, after inspection, recommends release of the aforesaid Performance Bond subject to receipt of a one (1) year Maintenance Bond in the amount of \$18,182.12, which Maintenance Bond is required to be filed with the Township Clerk; and

WHEREAS, during the course of the contract the desirability for certain items for addition and/or deletion have been determined:

Addition Amount:	\$7,488.65
Reduction Amount:	-994.75
Total Change:	\$6,493.90

WHEREAS, the aforesaid Contractor has requested release of the final payment for this construction;

WHEREAS, Foggia-Supreme Electric, Inc. has satisfactorily completed the work of the aforesaid contract on the aforesaid project and the Township Engineer has recommended the acceptance of the project, release of the performance bond, authorization of the change order and approval of the final payment by the Township; and

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

1. Accepts the Intersection Improvements to Davidson Avenue and Pierce Street as completed; and
2. The aforesaid Performance Bond be released to the above named applicant upon receipt of the required Maintenance Bond; and
3. Issuance of Change Order #1 (Final) in the amount of \$6,493.90 to the Contractor is hereby authorized and the Township Manager be and he is hereby authorized to sign said Change Order on behalf of the Township; and
4. The Township Treasurer be and she is hereby authorized to make final payment to the Contractor of the balance due for the construction in the amount of \$9,872.18.

Resolution #04-162 Authorize Performance Guarantee Reduction for Somerset County Action Program – Docket No. PLN2002-0021 – Bond in the amount of \$221,400.00.

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

ITEM: PERFORMANCE BOND – CASH DEPOSIT

NAME OF APPLICANT: SOMERSET COUNTY ACTION PROGRAM
C/o Isaac L. Dorsey, Executive Director/Head Start Director
ADDRESS OF APPLICANT: 429 Lewis Street PO Box 189
Somerset NJ 08873

NUMBER: Check No. 5922
INSURANCE COMPANY: First Union Bank
IN THE AMOUNT OF: \$738,000.00

FOR: Site Improvements for Docket No. PLN2002-0021; Block 528.06/Lot 5.07, 113 Belmont Street; and

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

WHEREAS, the Township Engineer, after inspection, recommends reduction of the aforesaid Performance Guarantee;

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 upon receipt of a reduced performance guarantee in the amount of \$54,642.77.

Resolution #04-163 – Authorize Tax Title Lien Redemptions – Outside Buyers.

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:

Date of Sale: June 10, 2003
Block/Lot: 57.01/33.04 C0304
Name & Address: Lyon, Angela
 4 Gallop Lane
 Somerset NJ 08873
Amount: \$6,230.76
Make Check Payable To: Elliot Loeb Keogh Plan
 1 Lakeview Road Saratoga Springs NY 12866
Certificate No.: 03-048
Payment Received: March 12, 2004

Date of Sale: June 10, 2003
Block/Lot: 85/56.03 C0188
Name & Address: Lo, Eric
 188 Kingsberry Drive
 Somerset NJ 08873
Amount: \$1,249.04
Make Check Payable To: Elliot Loeb Keogh Plan
 1 Lakeview Road Saratoga Springs NY 12866
Certificate No.: 03-062
Payment Received: March 22, 2004

Date of Sale: June 10, 1999; June 08, 2000
Block/Lot: 85/56.03 C0217
Name & Address: Thompson, Clyde
 217 Kingsberry Drive
 Somerset NJ 08873
Amount: \$167.73; \$178.00
Make Check Payable To: Herbert Sehgel
 PO Box 284 Kingston NJ 08528
Certificate No.: 99-171; 20-218
Payment Received: March 15, 2004

Date of Sale: June 11, 1998

Block/Lot: 130/17
Name & Address: Triggs, Arthur A. & Olga
 23 Millstone Road (For 799 Somerset Street)
 Somerset NJ 08873
Amount: \$564.51
Make Check Payable To: Plymouth Financial Company
 PO Box 2288 Morrystown NJ 07962-2288
Certificate No.: 98-55
Payment Received: March 10, 2004

Date of Sale: June 08, 2000; June 07, 2001; June 13, 2002; June 10, 2003
Block/Lot: 130/17
Name & Address: Triggs, Arthur A. & Olga
 23 Millstone Road (For 799 Somerset Street)
 Somerset NJ 08873
Amount: \$377.41; \$364.83; \$315.72; \$279.52
Make Check Payable To: Herbert Sehgel
 PO Box Kingston NJ 08528
Certificate No.: 20-224; 01-241; 02-071; 03-077
Payment Received: March 10, 2004

Date of Sale: June 10, 2003
Block/Lot: 167/31
Name & Address: Patti, Charles D.
 10 South Dover Street
 Somerset NJ 08873
Amount: \$1,043.76
Make Check Payable To: James Pilewski
 3 Devon Lane Warren NJ 07059
Certificate No.: 03-100
Payment Received: March 15, 2004

Date of Sale: June 8, 2000
Block/Lot: 218/19.01
Name & Address: Turner, Marcus
 294 Vassar Street
 Somerset NJ 08873
Amount: \$1,266.49
Make Check Payable To: George Shrier
 201 South 2nd Avenue, Box 16 Highland Park NJ 08904
Certificate No.: 20-253
Payment Received: March 19, 2004

Date of Sale: June 7, 2001
Block/Lot: 366/19
Name & Address: Hope, Anthony & Evelyn
 2 Patton Drive
 Somerset NJ 08873
Amount: \$23,731.04
Make Check Payable To: James C. Older
 87 East Mountain Road Hillsborough, NJ 08844
Certificate No.: 01-127
Payment Received: March 17, 2004

Date of Sale: October 26, 1989
Block/Lot: 374/12
Name & Address: Wilkins, George
12 Tunnell Road
Somerset NJ 08873
Amount: \$92.80
Make Check Payable To: TSC 1, LLC
PO Box 169 Oakhurst NJ 07756
Certificate No.: 6468
Payment Received: March 19, 2004

Date of Sale: June 7, 2001
Block/Lot: 385/33
Name & Address: Brennan, Dennis & Kim
58 Foxwood Drive
Somerset NJ 08873
Amount: \$1,754.08
Make Check Payable To: James C. Older
87 East Mountain Road Hillsborough NJ 08844
Certificate No.: 01-129
Payment Received: March 11, 2004

Date of Sale: June 13, 2002
Block/Lot: 471/47
Name & Address: Logan, Robert
9 Norfolk Road
Somerset NJ 08873
Amount: \$5,553.06
Make Check Payable To: Mabel M. Arinzeh
108 Drake Road Somerset NJ 08873
Certificate No.: 020181
Payment Received: March 22, 2004

Date of Sale: June 10, 2003
Block/Lot: 482/17.01
Name & Address: Bozzone, Barbara
131 Kennedy Avenue (For 131 Bertha Street)
South Bound Brook NJ 08880
Amount: \$79.70
Make Check Payable To: Martha E. Addison
67 Winston Drive Somerset NJ 08873
Certificate No.: 03-231
Payment Received: March 22, 2004

Date of Sale: June 10, 2003
Block/Lot: 212/20
Name & Address: Meister, Scott
2 South Dover Avenue
Somerset, NJ 08873
(For 655 Hamilton Street)
Amount: \$11,502.52

Make Check Payable To: Plymouth Financial Co.
P.O. Box 2288 Morristown, NJ 07962-2288
Certificate No.: 03-132
Payment Received: March 25, 2004

Date of Sale: June 10, 2003
Block/Lot: 288/34
Name & Address: Johnson, Renee
39 Holly Street
Somerset, NJ 08873
Amount: \$22,496.30
Make Check Payable To: Plymouth Financial Co.
P.O. Box 2288 Morristown, NJ 07962-2288
Certificate No.: 03-166
Payment Received: March 25, 2004

Date of Sale: June 10, 2003
Block/Lot: 287.01/6.03
Name & Address: D. Aldrich & D. Booker
19 Tall Oaks Road
Somerset, NJ 08873
Amount: \$44.03
Make Check Payable To: Martha E. Addison
67 Winston Drive Somerset NJ 08873
Certificate No.: 03-163
Payment Received: March 25, 2004

Resolution #04-164 Authorize Release of Construction Water Meter Escrow Monies to Pulte Communities in the amount of \$565.00.

WHEREAS, the Township of Franklin, Somerset County has received escrow monies for purposes of utilizing fire hydrants for construction water as required by **Section 236-11 of the Code**; and

WHEREAS, the project has been completed and the Director of the Water Division of the Department of Public Works, has certified to the Township Clerk the amount of money actually due for said construction water and has recommended that the balance remaining as set forth be returned to the applicant:

APPLICANT: PULTE COMMUNITIES
ADDRESS: 100 Davidson Avenue
Somerset NJ 08873

AMOUNT DEPOSITED:	\$850.00
AMOUNT TO BE DEPOSITED IN WATER ACCOUNT FOR SERVICE CHARGE & WATER USAGE	<u>\$285.00</u>
AMOUNT TO BE REFUNDED:	\$565.00

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, Somerset County 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.

Resolution #04-165 – Authorize Discharge of Mortgage – Shantilal & Shushila Patel from Abhay & Pramila Sinha (239 Columbus Drive).

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 be and they are hereby authorized to execute a Discharge of Affordable Housing Management Services Mortgage for the premises known as 239 Columbus Drive, Block 20.10, Lot 11.02 C1913 on the tax map of the Township of Franklin, subject to the execution by the purchaser of a repayment mortgage in accordance with New Jersey Council on Affordable Housing regulations pursuant to NJAC 5:93-1 et seq.

Resolution #04-166 Award Contract for Automobile Body Repair and Refinishing to Summco, Inc., d/b/a Maaco Auto Painting and Bodyworks for the period of May 1, 2004 to April 30, 2005 in an amount not to exceed \$70,000.00.

WHEREAS, a notice to bidders for the receipt of bids for Automobile Body Repair and Refinishing was published in The Courier News on February 13, 2004,;

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

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

**Hourly Rate: \$29.00
Discount on Parts: 8%; and**

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

Resolution #04-167 Certification of Fiscal Year 2005 – Preliminary Municipal Tax Levy.

WHEREAS, the New Jersey Division of Local Government Services has revised the method of calculating the Local Municipal Tax Rate for Municipalities operating on a Fiscal Year basis ending June 30, per Statute; and

WHEREAS, c.40A:4-12 .1 requires the Governing Body of each Municipality operating under the State Fiscal Year to Certify by resolution to the Director of the Division of Local Government Services, a preliminary Municipal Tax Levy;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the Fiscal Year 2005 Preliminary Municipal Tax Levy to be utilized in calculation of the municipal portion of the third and fourth installments of property tax is \$21,182,985; and

BE IT FURTHER RESOLVED that certified copies of this resolution be filed with the Director of the Division of Local Government Services and with the Somerset County Board of Taxation.

Resolution #04-168 Authorize issuance of Raffle License(s).

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

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

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

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

<u>NAME OF ORGANIZATION</u>	<u>DATE OF RAFFLE/BINGO</u>
New Jersey Federation of Women's Clubs Junior Membership 55 Labor Center Way, New Brunswick, NJ On-Premise 50/50 Raffles – RL#1434 Drawings : DoubleTree Hotel, Somerset, NJ	May 21 & 22, 2004 7:00 pm – 11:00 pm

Resolution #04-169 Award Professional Services Agreement to Heyer, Gruel & Associates to prepare the 2005 Master Plan in an amount not to exceed - **TABLED**

Resolution #04-170 Award Professional Services Agreement to James Pettit for engineering services in connection with the Library Expansion Project in an amount not to exceed \$30,500.

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 hereon that funds are available; and

WHEREAS, the Municipal Attorney has reviewed the attached certificate 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 TOWNSHIP** as required by law within ten (10) days of its passage.
- (4) The vendor shall supply the Township of Franklin with Federal Affirmative Action Plan Approval or State Certificate of Employee Information Report within the time period specified by NJAC 17:27. The Contract shall contain the Mandatory Affirmative Action Language for Professional Service Contracts required by NJAC 17:27, a copy of which shall be attached to and incorporated in the Professional Service Agreement authorized herein.
- (5) The vendor shall agree to comply with the requirements of Title II of the Americans with Disabilities Act of 1990 and indemnify, protect and save harmless the Township the Township from all suits, claims, losses, demands or damages of whatever kind or nature arising out of or claimed to arise out of alleged violations of the Act. A copy of the Act shall be attached to and incorporated in the Professional Service Agreement authorized herein.

VENDOR NAME: JAMES P. PETTIT, P.E.
ADDRESS: 35 Spring Street, Somerset, NJ 08873
CONTRACT AMOUNT: Not to exceed \$30,500.00
SERVICE: Construction Administration of Franklin Township Library

Resolution #04-171 Authorize refund of tax overpayments.

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

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

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

BLOCK/LOT	NAME/ADDRESS	QTR/YR	AMOUNT
86.02/3.03	United Plastics, Inc., Steven Irwin, Esq. C/o Mandelbaum & Mandelbaum 80 Main Street West Orange, NJ 07052	4/03	11,765.25
517.02/19.01	Corning, Inc.	4/01	6,162.09
	Bruce J. Stavitsky, Esq.	4/02	10,255.45
	Crossroads Corporate Center One International Blvd., Suite 400 Mahwah, NJ 07495	4/03	10,375.83
424.04/352	Buchalski, Brian	3/04	8.00
	352 Smithwold Road Somerset, NJ 08873	2/04	933.82

Resolution #04-172 Authorize Renewal of Plenary Retail Consumption License #1808-33-016-006 (Jerome E. Decker, inactive license) for the 2003-04 license term with special ruling vacating prior special condition and imposing new condition.

WHEREAS, an application has been received for renewal of Plenary Retail Consumption License from BMBE, Incorporated t/a Halftime Pub; and

WHEREAS, this application has been made to the Township Clerk and filing fees have been paid to the Township and to the State of New Jersey, Division of Alcoholic Beverages; and

WHEREAS, the Health Officer, Chief of Police and Fire Inspector have inspected the applicant's property and have approved same as per letters filed with the Township Clerk, except as to the Chief of Police who has recommended that certain conditions placed upon this license in 1999-2000 be amended and continued; and

WHEREAS, no objections have been filed with the Township Clerk; and

WHEREAS, said application has been examined by the Township Council and the Township Council finds that:

1. The submitted application forms are complete in all respects:
2. The applicant is qualified to be licensed according to all statutory, regulatory and Local Government Alcoholic Beverage Control Laws and Regulations;

3. The applicant has disclosed and the issuing authority has ascertained and reviewed the source of any additional financing obtained in the previous license term for use in the licensed business; and

WHEREAS, the applicant filed a verified petition to the State of New Jersey, Department of Law and Public Safety, Division of Alcoholic Beverage Control, requesting authorization for the local issuing authority to consider a renewal application for Plenary Retail Consumption License No. 1808-33-016-006 for the 2003-2004 license term pursuant to the provisions of N.J.S.A. 33:1-12.39; and

WHEREAS, the Director of the Division of Alcoholic Beverage Control granted permission to the applicant to renewal said license for the 2003-2004 license term as per Special Ruling Vacating Prior Special Condition and Imposing New Condition issued by said Director of Alcoholic Beverage Control on April 2, 2004;

NOW, THEREFORE, BE IT RESOLVED this 13th day of April, 2004 by the Township Council of the Township of Franklin in the County of Somerset and State of New Jersey that the Township Clerk be and she is hereby instructed to issue one (1) Plenary Retail Consumption License to the following:

1808-33-016-006

JEROME E. DECKER
Inactive License

subject to the following conditions:

1. **The Special Condition placed on the license for the 2002-2003 license term which was directed that no further renewals of the license would be granted unless the license was in active use at an approved location on or before June 30, 2003 is vacated.**
2. **A new Special Condition is imposed upon the renewal of said license whereby no further license renewals will be granted unless the license is being actively used at an approved location on or before June 30, 2005 and the petitioner or licensee will submit no further renewal applications nor seek additional relief pursuant to N.J.S.A. 33:1-12.29 if, in fact, the license is not being actively used by June 30, 2005.**

Resolution #04-173 Award Professional Services Agreement with Schoor DePalma for engineering services in connection with construction, demolition and cleaning of debris on Open Space Property located at Block 11.01, Lots 73.01 and 83.01 in an amount not to exceed \$59,100.00.

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 hereon that funds are available; and

WHEREAS, the Municipal Attorney has reviewed the attached certificate 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 TOWNSHIP** as required by law within ten (10) days of its passage.
- (4) The vendor shall supply the Township of Franklin with Federal Affirmative Action Plan Approval or State Certificate of Employee Information Report within the time period specified by NJAC 17:27. The Contract shall contain the Mandatory Affirmative Action Language for Professional Service Contracts required by NJAC 17:27, a copy of which shall be attached to and incorporated in the Professional Service Agreement authorized herein.
- (5) The vendor shall agree to comply with the requirements of Title II of the Americans with Disabilities Act of 1990 and indemnify, protect and save harmless the Township the Township from all suits, claims, losses, demands or damages of whatever kind or nature arising out of or claimed to arise out of alleged violations of the Act. A copy of the Act shall be attached to and incorporated in the Professional Service Agreement authorized herein.

VENDOR NAME: **SCHOOR DEPALMA**
ADDRESS: **PO BOX 5192, Clinton, NJ 08809-0192**
CONTRACT AMOUNT: **Not to exceed \$59,100.00.**
SERVICE: **Engineering and Surveying Services in connection with Construction, Demolition and Debris Cleaning of Block 11.01, Lots 73.01 and 83.01 (Open Space Property acquired by the Township.)**

Phase I	Topographic Survey	\$ 4,200.00
Phase II	Geotechnical Investigation	5,000.00
Phase III	Wetlands Delineation & General Permit Application	3,900.00
Phase IV	Design Development and Construction Documents	20,200.00
Phase V	NJDEP Stream Encroachment	16,500.00
Phase VI	Environmental Site Investigation	9,300.00
	TOTAL	\$59,100.00

Resolution #04-174 Authorize Insertion in Budget (Chapter 159) of NJ Law and Public Safety Body Armor Grant in the amount of \$9,095.14.

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 \$9,095.14 from the New Jersey Law and Public Safety – Body Armor Grant and wishes to amend its 2004 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 2004 in the sum of \$ 9,095.14 which is now available as revenue from: New Jersey Law and Public Safety – Body Armor Grant.

BE IT FURTHER RESOLVED that a like sum of \$ 9,095.14, for New Jersey Law and Public Safety – Body Armor Grant be and the same is hereby appropriated under the caption of: New Jersey Law and Public Safety – Body Armor 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.

Resolution #04-175 Authorize Insertion in Budget (Chapter 159) of NJ Law and Public Safety Child Passenger Safety Grant in the amount of \$6,485.00.

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 \$6,485.00 from the New Jersey Law and Public Safety – Child Passenger Safety Grant and wishes to amend its 2004 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 2004 in the sum of \$ 6,485.00 which is now available as revenue from: New Jersey Law and Public Safety – Child Passenger Safety Grant.

BE IT FURTHER RESOLVED that a like sum of \$ 6,485.00, for New Jersey Law and Public Safety – Child Passenger Safety Grant be and the same is hereby appropriated under the caption of: New Jersey Law and Public Safety – Child Passenger Safety 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.

Resolution #04-176 Authorize Insertion in Budget (Chapter 159) of NJ Law and Public Safety Safe and Secure Communities Grant in the amount of \$60,000.00.

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 \$60,000.00 from the New Jersey Law and Public Safety – Safe and Secure Communities Grant and wishes to amend its 2004 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 2004 in the

sum of \$ 60,000.00 which is now available as revenue from: New Jersey Law and Public Safety – Safe and Secure Communities Grant.

BE IT FURTHER RESOLVED that a like sum of \$ 60,000.00, for New Jersey Law and Public Safety – Safe and Secure Communities Grant be and the same is hereby appropriated under the caption of: New Jersey Law and Public Safety – Safe and Secure Communities 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.

Resolution #04-177 Authorize Insertion in Budget (Chapter 159) of NJ Department of Health and Human Services Public Health Priority Funding in the amount of \$18,096.00.

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 \$18,096.00 from the NJ Department of Health and Human Services – Public Health Priority Funding and wishes to amend its 2004 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 2004 in the sum of \$ 18,096.00 which is now available as revenue from: NJ Department of Health and Human Services – Public Health Priority Funding.

BE IT FURTHER RESOLVED that a like sum of \$ 18,096.00, for NJ Department of Health and Human Services – Public Health Priority Funding be and the same is hereby appropriated under the caption of: NJ Department of Health and Human Services – Public Health Priority Funding.

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.

Resolution #04-178 Authorize Insertion in Budget (Chapter 159) of NJ Department of Environmental Protection Clean Communities 2004 Grant in the amount of \$51,378.04.

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 \$51,378.04 from the NJ Department of Environmental Protection – Clean

Communities Grant and wishes to amend its 2004 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 2004 in the sum of \$ 51,378.04 which is now available as revenue from: NJ Department of Environmental Protection – Clean Communities Grant.

BE IT FURTHER RESOLVED that a like sum of \$ 51,378.04, for NJ Department of Environmental Protection – Clean Communities Grant be and the same is hereby appropriated under the caption of: NJ Department of Environmental Protection – Clean Communities 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.

Resolution #04-179 Authorize Insertion in Budget (Chapter 159) of Local Initiative Support Corp. (LISC) for Hamilton Street Administration in the amount of \$25,000.00.

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 \$25,000.00 from the Local Initiative Support Corp. (LISC) – Hamilton Street Administration and wishes to amend its 2004 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 2004 in the sum of \$ 25,000.00 which is now available as revenue from: Local Initiative Support Corp. (LISC) – Hamilton Street Administration.

BE IT FURTHER RESOLVED that a like sum of \$ 25,000.00, for Local Initiative Support Corp. (LISC) – Hamilton Street Administration be and the same is hereby appropriated under the caption of: Local Initiative Support Corp. (LISC) – Hamilton Street Administration.

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.

Resolution #04-180 Authorize Insertion in Budget (Chapter 159) of NJ JDDP 3rd Year Youth engaged in Service (YES) Allocation in the amount of \$52,500.00.

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 \$52,500.00 from the NJ Juvenile Justice Delinquency Prevention Grant – 3rd Year Youth Engaged in Service (YES) and wishes to amend its 2004 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 2004 in the sum of \$ 52,500.00 which is now available as revenue from: NJ Juvenile Justice Delinquency Prevention Grant – 3rd Year Youth Engaged in Service (YES).

BE IT FURTHER RESOLVED that a like sum of \$ 52,500.00, for NJ Juvenile Justice Delinquency Prevention Grant – 3rd Year Youth Engaged in Service (YES) be and the same is hereby appropriated under the caption of: NJ Juvenile Justice Delinquency Prevention Grant – 3rd Year Youth Engaged in Service (YES).

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.

Resolution #04-181 Authorize Insertion in Budget (Chapter 159) of NJ Department of Community Affairs Livable Communities Local Library Aid in the amount of \$75,000.00.

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 \$75,000.00 from the NJ Department of Community Affairs – Livable Communities Local Library Aid and wishes to amend its 2004 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 2004 in the sum of \$ 75,000.00 which is now available as revenue from: NJ Department of Community Affairs – Livable Communities Local Library Aid.

BE IT FURTHER RESOLVED that a like sum of \$ 75,000.00, for NJ Department of Community Affairs – Livable Communities Local Library Aid be and the same is hereby appropriated under the caption of: NJ Department of Community Affairs – Livable Communities Local Library Aid.

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.

Resolution #04-182 Authorize Insertion in Budget (Chapter 159) of NJ Public Library Construction Bond Program in the amount of \$1,033,600.

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 \$1,033,600.00 from the NJ Public Library Construction Bond Program and wishes to amend its 2004 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 2004 in the sum of \$ 1,033,600.00 which is now available as revenue from: NJ Public Library Construction Bond Program.

BE IT FURTHER RESOLVED that a like sum of \$ 1,033,600.00, for NJ Public Library Construction Bond Program be and the same is hereby appropriated under the caption of: NJ Public Library Construction Bond Program.

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.

Resolution #04-183 Authorize refund of water overpayments.

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

WHEREAS, the overpayment will be refunded or transferred to the next fiscal year;

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>REASON</u>	<u>AMOUNT</u>
517.02/19.01	Township of Franklin	Fire Service to Water	719.77
386.07/53.01			1,250.31
386.07/54.03			2,453.75
386.07/55.01			1,246.92

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

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

Resolution #04-184 Authorize execution of discharge of CDBG Mortgage – Denise M. Stuewe – Block 34.03, Lot 16.01 C 0216 – 31 Crabapple Lane.

WHEREAS, the Township of Franklin holds a mortgage for Denise M. Stuewe for premises known as Block 34.03, Lot 16.01 C0216 located at 31 Crabapple Lane, Franklin Park NJ in conjunction with dwelling renovation through the CDBG Housing Rehabilitation Program; and

WHEREAS, the property owners have paid to the Township of Franklin the balance due on the mortgage dated December 23, 2002 in Book OPR 5358, Page 1634-1638 with the County Recording Officer;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Township Clerk be and they are hereby authorized to sign Discharge of Mortgage for Lot 16.01 C0216/Block 34.03 and to have same filed with the County Recording Officer.

Resolution #04-185 Authorize issuance of Special Event Permit for Franklin High School Promenade – Pre-Prom Photo Sessions on May 7, 2004 from 4:00 to 6:30 p.m.

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 7, 2004, 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 7, 2004 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.

Resolution #04-186 Authorize Municipal Consent to Elizabethtown Water Company to service Block 516, Lot 6.05. **(Tabled)**

Resolution #04-187 Resolution authorizing the release of Plan/Building Review Escrows.

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

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: ARSHA BODHA CENTER

ADDRESS: 84 Cortleyou Lane Somerset NJ 08873

DOCKET NO: Site Plan PLN2002-0067 Subdivision PLN2002-0022

BLOCK/LOT: 57.01/51.01

LOCATION: 84 Cortleyou Lane

AMOUNT DEPOSITED:	\$2,250.00	Schoor DePalma	\$750.00	Ellen E. Ritchie
	2,000.00		500.00	

AMOUNT CHARGED:	<2,902.50>		<650.00>	
-----------------	------------	--	----------	--

AMOUNT TO BE REFUNDED:	\$-0-	A	PLN2002-0022	\$-0-	B
------------------------	-------	---	--------------	-------	---

AMOUNT DEPOSITED:	\$2,250.00	Schoor DePalma	\$750.00	Ellen E. Ritchie
	1,000.00			
	1,347.50	A		
	600.00	B		
	475.00	C		

AMOUNT CHARGED:	<3,144.75>		<275.00>	
-----------------	------------	--	----------	--

AMOUNT TO BE REFUNDED:	\$2,527.75	PLN2002-0067	\$475.00	C
	- 0 -			- 0 -

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.

Resolution #04-188 Award competitive contract to Character Assets, Inc. for the administration of the Character Assets Program from April 15, 2004 to December 15, 2004 in an amount not to exceed \$26,000.

WHEREAS, the Township of Franklin is desirous of contracting for the Administration of the Character Assets Program; and

WHEREAS, NJSA 40A:11-4 et. seq. provides that the provision of specialized goods and services requires sealed bids, and that price and other factors can be considered when awarding a contract; and

WHEREAS, quotations for the provision of Administration of the Character Assets Program was publicized:

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

CHARACTER ASSETS, INCORPORATED**8 Morgan Court****Bedminster NJ 07921****Amount not to exceed \$26,000.00; and**

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

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified hereon that funds are available; and

BE IT FURTHER RESOLVED that notice of this action shall be printed in the official Township newspaper as required by law.

Appointment Township Council Representatives to the Recreation Facilities Subcommittee – Fred McKenzie and Brian Levine.

Appointment Unexpired five-year Sewerage Authority term ending January 31, 2007 - Phil Habrukowich.

ADJOURNMENT

Deputy Mayor McKenzie moved to adjourn the meeting at 10:25 p.m. Said motion was seconded by Ms. Ashley-Williams and carried unanimously upon voice vote.

Brian D. Levine, Mayor

Ann Marie McCarthy, Township Clerk

Approved:

Date: