

The Work Session/Regular Meeting of the Township Council of the Township of Franklin, County of Somerset, New Jersey, was called to order by the Mayor at 7:15 p.m.

Mayor Levine called the Work Session/Regular Meeting of the Township Council to order. Mayor Levine stated "In accordance with Section 5 of the Open Public Meeting Act, Chapter 231, Public Law 1975, be advised that adequate notice of this Work Session/Regular Meeting of the Township Council of the Township of Franklin, County of Somerset was made by the posting on the bulletin board at the Municipal Complex and transmitted to the officially designated newspapers, a list of dates, annually, indicating that this Work Session/Regular Meeting would take place at the Franklin Township Municipal Complex at 7:00 p.m. on April 25, 2006. In addition, a copy of this notice is and has been available to the public and is on file in the Office of the Municipal Clerk."

Everyone present participated in the Pledge of Allegiance and Ms. Eberle led the Invocation.

The Township Clerk called the roll.

Present: Ms. Ashley-Williams, Ms. Danile (arrived at 9:04 p.m.), Ms. Eberle, Mr. Levine, Mr. McKenzie, Ms. Ritchie, Mr. Regan (arrived at 8:04 p.m.), Mr. Sumter, Mr. Vassanella

Absent: None

Also present: Louis N. Rainone, Esq., Township Attorney, Kenneth W. Daly, Township Manager, Ann Marie McCarthy, Township Clerk

### COMMENDATIONS/PROCLAMATIONS

#### Arbor Day 2006 Proclamation

Mayor Levine read the following proclamation:

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

**Whereas**, trees conserve energy, promote a healthy environment, 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 the planting of care and trees on public property throughout the Township; and

**Whereas**, the Township of Franklin and the Shade Tree Commission encourage residents to plant, care for and conserve trees and to use the Shade Tree Commission as a community resource for assistance in tree planting and care; and

**Whereas**, National Arbor Day on April 28<sup>th</sup>, 2006 is celebrated by communities nationwide as a time to promote and recognize the beauty and the benefits of trees; and

**Whereas**, in recognition and celebration of Arbor Day 2006, as well as the vital role trees play in providing shade, enhancing the urban forest and providing aesthetically pleasing landscaping, the Shade Tree Commission and community volunteers will plant trees, including tulip poplar, ash and maple trees at Middlebush Park to tangibly demonstrate these benefits.

**NOW, THEREFORE, I, BRIAN D. LEVINE, MAYOR** of the Township of Franklin in the County of Somerset, State of New Jersey, on behalf of the Township Council and all of the residents do hereby

proclaim Saturday, April 29<sup>th</sup> Arbor Day in Franklin Township and do hereby encourage all residents to plant, conserve and care for trees throughout Franklin Township.

**Public Health Awareness Month Proclamation**

Mayor Levine read the following proclamation:

**WHEREAS**, over the past 50 years, the United States has achieved significant increases in life expectancy and reductions in the incidence of injury, disability and disease; and

**WHEREAS**, of the 30 additional years of life expectancy we have gained since the turn of the century, the public health approach is credited with the majority –approximately 25 years – of improvements in our health status and expanded life expectancy; and

**WHEREAS**, public health succeeds by identifying and addressing patterns of disease, illness and injury in populations; and

**WHEREAS**, in the use of population-based strategies for disease and injury prevention, public health has contributed to the decline in illness and injury including heart disease and stroke, tobacco-related diseases, infectious diseases and motor vehicle and workplace injuries; and

**WHEREAS**, **National Public Health Month** provides the focused opportunity for public health professionals as well as the general public to learn about public health concerns and success stories which are vital to healthy communities, such as immunizing against infectious disease, maintaining good nutritional standards and providing good prenatal care; and

**WHEREAS**, the **National Public Health Month** theme for 2006 – Designing Health Communities: Raising Healthy Kids – is dedicated to inspiring Americans to build healthier communities and healthier kids; and

**WHEREAS**, **Public Health Awareness Month** recognizes the importance of public health programs and services to an improved quality of life for all people in Franklin Township;

**NOW, THEREFORE, BE IT RESOLVED THAT I, BRIAN D. LEVINE, MAYOR** of the Township of Franklin, Somerset County, New Jersey on behalf of the Township Council, do hereby proclaim APRIL 2006 as “**Public Health Awareness Month**” in the Township of Franklin and commend this observance to all our citizens.

**Black History Month Commendations**

Mayor Levine and Deputy Mayor Ashley-Williams presented the following commendations:

**COMMENDATION**

*By the Mayor of the Township of Franklin*

**I, BRIAN D. LEVINE, MAYOR OF THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET AND STATE OF NEW JERSEY** on behalf of the Township Council and all residents of the Township of Franklin, do hereby extend to

**MARIE THOMPSON, PROGRAM CHAIRPERSON**  
**BARBARA McKENZIE, CHAIRPERSON, CHILDREN'S DAY COMMITTEE**  
**LINDA BAILEY, CHILDREN'S DAY COMMITTEE**  
**LUZ MARY MOLINA , CHILDREN'S DAY COMMITTEE**  
**MARGARET STEELE, CHILDREN'S DAY COMMITTEE**  
**JASMINE DOUGLAS, CHILDREN'S DAY COMMITTEE**  
**LORRAINE THOMPSON-BOYD, BLACK HISTORY MONTH COMMITTEE**

**LINDA TAYLOR, BLACK HISTORY MONTH COMMITTEE**  
**REVEREND LINWOOD ROUSE; REVEREND KENNETH SAUNDERS; REVEREND BYRON**  
**WILSON; ELDER CALVIN WILLIAMS, SINGING PASTORS, PROGRAM VOLUNTEERS**  
**LaVERNE EAGELSON, SOLOIST - PROGRAM VOLUNTEER**  
**ROBYIERA REVOAL, SOLOIST - PROGRAM VOLUNTEER**  
**CRYSTAL FAIR, PROGRAM VOLUNTEER**  
**JASMINE HAMPTON, PROGRAM SUPPORT SERVICES VOLUNTEER**  
**LEONARD HAMPTON, PROGRAM SUPPORT SERVICES VOLUNTEER**  
**IFA SIMMONDS, PROGRAM SUPPORT SERVICES VOLUNTEER**  
**EVELYN SIMMONDS, PROGRAM SUPPORT SERVICES VOLUNTEER**  
**CELESTE FREELAND, PROGRAM SUPPORT SERVICES VOLUNTEER**  
**CRYSTAL CUMBERBATCH, PROGRAM SUPPORT SERVICES VOLUNTEER**  
**CYNTHIA DALE, PROGRAM SUPPORT SERVICES VOLUNTEER**  
**NICOLE VINSON, PROGRAM SUPPORT SERVICES VOLUNTEER**

**BLACK HISTORY MONTH COMMITTEE**

appreciation and commendation for their active part in making the February Black History Month Celebration an overwhelming success.

**First Aid & Rescue Squad Commendations**

Mayor Levine and Mr. Vassanella presented the following commendations to the Township's First Aid and Rescue Squads:

***East Millstone Rescue Squad***

**WHEREAS, EAST MILLSTONE RESCUE SQUAD** is an all-volunteer rescue squad that has provided an invaluable service to Township of Franklin residents and businesses by responding to thousands of medical emergencies each year; and

**WHEREAS, the EAST MILLSTONE RESCUE SQUAD** is comprised of many selfless individuals who volunteer countless hours, over the course of the year, to aid and assist residents of this community and others who require medical assistance, often under very difficult circumstances; and

**WHEREAS, EAST MILLSTONE RESCUE SQUAD** as First Responders, provide efficient and immediate care to ill and injured patients and is a vital link in Emergency Response; and

**NOW, THEREFORE, WE, BRIAN D. LEVINE, MAYOR & JAMES VASSANELLA, COUNCILMAN** of the Township of Franklin in the County of Somerset, State of New Jersey, on behalf of the Township Council and all of the residents do hereby commend the **EAST MILLSTONE RESCUE SQUAD** for its invaluable service to our community and express our deep appreciation for their volunteer services provided by its membership.

***Rocky Hill First Aid & Rescue Squad***

**WHEREAS, ROCKY HILL FIRST AID & RESCUE SQUAD** is an all-volunteer first aid and rescue squad that has provided an invaluable service to Township of Franklin residents and businesses by responding to thousands of medical emergencies each year; and

**WHEREAS, the ROCKY HILL FIRST AID & RESCUE SQUAD** is comprised of many selfless individuals who volunteer countless hours, over the course of the year, to aid and assist residents of this community and others who require medical assistance, often under very difficult circumstances; and

**WHEREAS, ROCKY HILL FIRST AID & RESCUE SQUAD** as First Responders, provide efficient and immediate care to ill and injured patients and is a vital link in Emergency Response; and

**NOW, THEREFORE, WE, BRIAN D. LEVINE, MAYOR & JAMES VASSANELLA, COUNCILMAN** of the Township of Franklin in the County of Somerset, State of New Jersey, on behalf of the Township Council and all of the residents do hereby commend the **ROCKY HILL FIRST AID & RESCUE SQUAD** for its invaluable service to our community and express our deep appreciation for their volunteer services provided by its membership.

*Kingston First Aid & Rescue Squad*

**WHEREAS, KINGSTON FIRST AID & RESCUE SQUAD** is an all-volunteer first aid and rescue squad that has provided an invaluable service to Township of Franklin residents and businesses by responding to thousands of medical emergencies each year; and

**WHEREAS, the KINGSTON FIRST AID & RESCUE SQUAD** is comprised of many selfless individuals who volunteer countless hours, over the course of the year, to aid and assist residents of this community and others who require medical assistance, often under very difficult circumstances; and

**WHEREAS, KINGSTON FIRST AID & RESCUE SQUAD** as First Responders, provide efficient and immediate care to ill and injured patients and is a vital link in Emergency Response; and

**NOW, THEREFORE, WE, BRIAN D. LEVINE, MAYOR & JAMES VASSANELLA, COUNCILMAN** of the Township of Franklin in the County of Somerset, State of New Jersey, on behalf of the Township Council and all of the residents do hereby commend the **KINGSTON FIRST AID & RESCUE SQUAD** for its invaluable service to our community and express our deep appreciation for their volunteer services provided by its membership.

*Franklin-Somerset First Aid Squad*

**WHEREAS, FRANKLIN-SOMERSET FIRST AID SQUAD** is an all-volunteer first aid squad that has provided an invaluable service to Township of Franklin residents and businesses by responding to thousands of medical emergencies each year; and

**WHEREAS, the FRANKLIN-SOMERSET FIRST AID SQUAD** is comprised of many selfless individuals who volunteer countless hours, over the course of the year, to aid and assist residents of this community and others who require medical assistance, often under very difficult circumstances; and

**WHEREAS, FRANKLIN-SOMERSET FIRST AID SQUAD** as First Responders, provide efficient and immediate care to ill and injured patients and is a vital link in Emergency Response; and

**NOW, THEREFORE, WE, BRIAN D. LEVINE, MAYOR & JAMES VASSANELLA, COUNCILMAN** of the Township of Franklin in the County of Somerset, State of New Jersey, on behalf of the Township Council and all of the residents do hereby commend the **FRANKLIN-SOMERSET FIRST AID SQUAD** for its invaluable service to our community and express our deep appreciation for their volunteer services provided by its membership.

*Kendall Park First Aid & Rescue Squad*

**WHEREAS, KENDALL PARK FIRST AID & RESCUE SQUAD** is an all-volunteer first aid and rescue squad that has provided an invaluable service to Township of Franklin residents and businesses by responding to thousands of medical emergencies each year; and

**WHEREAS**, the **KENDALL PARK FIRST AID & RESCUE SQUAD** is comprised of many selfless individuals who volunteer countless hours, over the course of the year, to aid and assist residents of this community and others who require medical assistance, often under very difficult circumstances; and

**WHEREAS**, **KENDALL PARK FIRST AID & RESCUE SQUAD** as First Responders, provide efficient and immediate care to ill and injured patients and is a vital link in Emergency Response; and

**NOW, THEREFORE, WE, BRIAN D. LEVINE, MAYOR** & **JAMES VASSANELLA, COUNCILMAN** of the Township of Franklin in the County of Somerset, State of New Jersey, on behalf of the Township Council and all of the residents do hereby commend the **KENDALL PARK FIRST AID & RESCUE SQUAD** for its invaluable service to our community and express our deep appreciation for their volunteer services provided by its membership.

### **MAYOR'S REPORT**

Mayor Levine made the following report:

- Welcome to those attending and TV viewers.
- Thanked the FTTV-25 volunteers.
- Explained how the meeting is conducted for the benefit of audience and viewers.
- Reminded that most Council meetings are open to the public. Council meetings are generally on the 2<sup>nd</sup> and 4<sup>th</sup> Tuesdays of the month. The public is invited and encouraged to attend. Listings can be found on FTT-25 and the Township website. If anyone is interested in volunteering for any boards, commissions, etc, to contact them.
- Announced that the Board of Education election and vote on the budget was last Tuesday, April 18<sup>th</sup>. The Budget was defeated at the polls. Approximately 60% voted “no” and 40% voted “yes”. Now, Council will decide about cuts on the Board of Education Budget. The decision must be made by May 19. Council will consider holding a special meeting to ensure greater time for its consideration. The Finance Oversight Committee typically meets amongst themselves with the Board of Education and then makes recommendations to the Council. The 2<sup>nd</sup> question on alternative programs was defeated at the polls. Approximately 2/3 voted “no” and 1/3 voted “yes”. Council will now decide about cuts on the 2<sup>nd</sup> question. Council will have further discussion under committee reports later in this meeting.
- Reported he attended the New Jersey Conference of Mayors where the major topics discussed were gang violence and property taxes. He congratulated Manville Mayor Angelo Corradino who is currently the 1<sup>st</sup> Vice President. Governor Corzine gave a key address. He thanked the Governor, on behalf of Franklin, for being in attendance at the funeral of Kevin Apuzzio, and for ordering flags flown at half-staff on the day of his funeral. He thanked Mayor Mac Womack of North Brunswick who sent a joint message with Franklin Township to the Governor’s Office to request flags be flown at half-staff.

### **DEPUTY MAYOR REPORT**

Deputy Mayor Ashley-Williams made the following report:

- Thanked the all the volunteers in the Township, especially those involved in Black History Month and the First Aid Squads.

- Announced that last Thursday through Sunday, the NAACP held its annual Conference in Franklin. States in attendance included those from Maine to Delaware, with Italy and Germany. She stated that she presented a commendation during the conference.
- Reported that the school budget was defeated. She noted that approximately only 4,000 voters out of approximately 28,000 registered voters voted in the school board election. She stated that the results of the election are not a clear direction from the voters. She commended the candidates. She stated that she has a serious problem with the date of the school election and noted that they should contact their legislators regarding changing the date of the election.
- Spoke of the Kevin Apuzzio funeral held last Tuesday. She noted that Franklin is still grieving and that they should take time aside to honor him.
- Announced that May 19, 2006 is Bike to Work Day. She reported that registration is until May 10<sup>th</sup> and is open only to Somerset County residents.

### COMMITTEE REPORTS

#### Hamilton Street Business Corporation

Mr. Vassanella reported that the Hamilton Street streetscape is moving ahead. He reported that they are working on an Intercultural event. He announced that the Farmers' Market begins on May 6<sup>th</sup>. He reported that the newsletter will be coming out in May. He stated that they will be participating in the Week of the People from September 10 through September 17. More information on this event will follow.

Mr. Regan arrived at 8:04 p.m.

#### Financial Oversight Committee

Mr. Ritchie presented the following report:

##### Tax Appeals

The Committee interviewed the Tax Assessor on the history of annual reassessment program and on the recent events involving the appeals he filed to correct errors in this year's assessment. The Tax Assessor indicated that the office does not have enough staff to continue to do annual reassessments properly. The Committee reviewed some of the alternatives to the annual reassessment program and the consequences of these options. The Committee will continue to analyze these options and will be making recommendations to the full Council once this analysis is more fully developed.

##### CDBG Applications

The Committee reviewed the recommendations from the Grants Coordinator and Consultant on the distribution of the \$311,170 in funds available for the next CDBG program year. Proposals received totaled \$431,848. The Committee voted to change the recommendation for the Franklin Township After School program to \$0 because it has enough unspent funds from the prior year to continue through the next program year. Of these \$9,422, the Committee recommends \$5,000 to the Housing Rehabilitation program. The Committee's recommendations in full are as follows:

<u>Project</u>	<u>Funded 05</u>	<u>Requested 06</u>	<u>Recommended 06</u>
Rehabilitation	170,808	170,261	174,683

##### Other Public Facilities

FT Food Bank	4,341
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Great Expectations	50,000		
Somerset Residence	12,000	45,000	45,000
<i>Public Service (15%)</i>			
Family & Comm. Services	14,360	17,300	17,300
FT After School	27,917	25,100	
SCCOAH	12,450	12,953	12,953
CADET		40,000	
Homesharing, Inc.		5,000	5,000
Major Group Foundation		45,000	5,000
FT Rec. Senior Wellness		5,000	5,000
<i>Planning/Administration (20%)</i>			
	72,969	66,234	66,234
Total	364,845	431,848	331,170

Board of Education Budget

The Committee discussed procedures for Township Council review of the defeated Board of Education budget. Following past precedent, the Committee has set a meeting with representatives of the Board for Wednesday evening, April 26. The Committee directed the Township Manager to send the attached letter to the School District in preparation for that meeting. The Committee will meet at least one more time in advance of the May 9, 2006 Township Council meeting. In order to give all Council members adequate time to give full consideration to all the issues concerning the Board of Education budget, the Committee is recommending that Council schedule time at its May 9 agenda to hear a report from the Committee and then have its own discussion of the issues and potential actions on the Board of Education budget. The Committee recommends that Township Council schedule a special meeting of the Council for Tuesday, May 16, 2006 to have a hearing on the Board of Education budget, with time for representatives of the Board to make a presentation and for members of the public to speak about the budget and about potential cuts to the budget. During the week between May 9 and May 16, there would be time for Township staff to research any questions raised by Council on May 9 and for the School District to address any questions or information requests from Council made on May 9.

Additional Contributions to Kevin Apuzzio Funeral and Memorial Fund.

The Committee reviewed the request from East Franklin Fire Company for additional assistance on funeral costs so that more of the funds it is raising may be dedicated to the firefighters' memorial. Last week the Township Manager authorized \$8500 for funeral expenses and another \$1500 for bus transportation for firefighters to the funeral to be paid from the Fire Prevention Penalty Fund. The Committee voted to recommend to Township Council to allocate another \$5000 from the FY2006 budget contingency line for additional costs associated with the funeral. The Manager also recommended that there be further discussion of Township participation in construction of the firefighters' memorial during the FY2007 capital budget process.

FY2007 Budget Guidance

The Committee was in favor of the following guidelines for the Township Manager in preparation of the FY2007 budget:

- a) Maintain a minimum fund balance of \$5 million
- b) Cap the increase in the property tax levy at 2.45% per half year/5% per year
- c) Cap increase of IN-CAP budget line items at 3/5%

These guidelines will be discussed in more detail at the May 23<sup>rd</sup> Council meeting when the Council reviews the recommendations from the Administration Committee on performance measures and business planning. In the meantime, the Manager will use them in working with department heads on starting the preparation of the FY2007 budget requests.

Increase maximum Fine for First Violation of Municipal Ordinance

The Committee voted to recommend to Township Council an ordinance to raise the maximum fine for first violation of municipal ordinance from \$1250 to \$2000 as recently authorized by State statute.

Deputy Mayor Ashley-Williams recommended that the defeated school budget be addressed by the full Council instead of the Financial Oversight Committee. She also recommended to reschedule the meeting to discuss the defeated school budget. Ms. Ritchie supported Deputy Mayor Ashley-Williams' recommendation and noted that last year she felt unprepared when discussing the defeated school budget.

Mr. Daly stated that Council would need to decide if they wanted to schedule a special meeting on May 2<sup>nd</sup> to discuss the defeated school budget and schedule another special meeting on May 16<sup>th</sup> to decide on the defeated school budget. Mr. Daly stated that if Council decides to meet on May 2<sup>nd</sup>, he would cancel the Financial Oversight Committee meeting with the Board of Education scheduled for tomorrow. A discussion ensued amongst Council members regarding what date or dates they would schedule special meetings to discuss and/or decide the defeated school budget.

Deputy Mayor Ashley-Williams moved to schedule a meeting of the full Council to address and discuss the defeated school budget on May 2, 2006 at 7 p.m. in Council Chambers. She added that further discussion would continue at the regular May 9, 2006 meeting. Said motion was seconded by Ms. Ritchie and carried unanimously upon call of the roll.

Mr. Vassanella moved to schedule a special meeting on May 16, 2006 at 7:00 p.m. in Council Chambers to further discuss and decide the defeated school budget. He added the meeting would be cancelled if necessary. Said motion was seconded by Mayor Levine and *not carried* as follows upon call of the roll:

<u>Ayes</u>	<u>Nays</u>	<u>Absent</u>
Levine	Ashley-Williams	Danile
McKenzie	Eberle	
Regan	Ritchie	
Vassanella	Sumter	

Discussion continued regarding scheduling a special meeting on May 16<sup>th</sup>. Mr. Rainone advised that at the May 2<sup>nd</sup> meeting, Council could revisit this issue and decide if they need a special meeting on May 16<sup>th</sup>.

Mayor Levine expressed his disappointment that there have been scare tactics promulgated by others that are not true regarding the school budget. He stated that when Council approaches the budget, his philosophy would be not to touch teachers, aides, nurses or other front-line personnel. He stated he would like to see that the following would stay in tact: plays, sports and arts. In response to Mayor Levine's comments, Deputy Mayor Ashley-Williams stated that people have the right to voice their opinion. Mayor Levine clarified that he meant that he hopes that people will not use scare tactics to instill fear.

Deputy Mayor Ashley-Williams noted in regards to CDBG funding, that the President is proposing to cut funding to the States. She reported that in 2004 - \$119 million was slated for funding and this year it is only \$76 million. She clarified that the Week of the People is for the entire town. Mayor Levine suggested that another resolution be adopted regarding the Township's opposition of reduced CDBG funding.

## **REVIEW OF THE PREPARED AGENDA**

Mayor Levine led a review of the prepared agenda. Mayor Levine reviewed the ordinances for public hearing and the ordinances scheduled for introduction. Ms. Ritchie commended the Housing Coordinator for going through the rehabilitation grant records to ensure all that are to be discharged are discharged.

Deputy Mayor Ashley-Williams nominated the following:

### **Agricultural Advisory Committee**

- Michael Ricketts as a Regular Member for a one-year term ending December 31, 2006.

### **Historic Preservation Commission**

- Barbara Lawrence as a Regular Member of the Historic Preservation Commission for a two-year term ending December 31, 2007.
- Kathryn Orlando as Alternate #2 of the Historic Preservation Commission for an unexpired two-year term ending December 31, 2006.

### **Rent Leveling Board**

- Tyrone M. Jamison as Alternate #2 Member to the Rent Leveling Board for a one-year term ending December 31, 2006.

### **Somerset County Cultural & Heritage Committee**

- Sarah Israel as Municipal Liaison to the Somerset County Cultural & Heritage Advisory Committee for a one-year term ending December 31, 2006.

### **Board of Adjustment**

- Alan Rich as Board of Adjustment Alternate #3 Member for an initial term ending December 31, 2006.
- Anthony Caldwell as Board of Adjustment Alternate #4 Member for an initial term ending December 31, 2007.

## **COUNCIL DISCUSSION ITEMS**

### **Additional Roads FY06 Road Program**

Mr. Vassanella presented the following report:

- The 2004 Road Survey by the Franklin Township Engineering Department spells out the condition of all the municipal roads in Franklin Township and the resurfacing costs and recommendations. The following facts are provided to help get a better picture of the status of road conditions and resurfacing plans.
- Roads were rated from 1 (Poorest) to 5 (Good)
- Traffic Volume: H-Heavy; M-Medium; L-Light (roads with a HEAVY rating tend to be used more by commuters and roads with a LIGHT or MEDIUM rating tend to be shorter residential or rural roads).
- Roads with a rating of 1 or 2 are recommended by Engineering to be resurfaced between 0 and 2 year. With the report dated 2004 that would mean that Engineering's recommendations would be that all of the streets that have a 1 or 2 rating should, ideally, be resurfaced by the end of 06.

- The current amount, we, the Council, have allocated in recent years in the budget for resurfacing has been slightly under a \$1,000,000 (one million dollars) to slightly over \$1,000,000 (one million dollars) per year.
- More than likely some of the roads rated a 3 in this Road Survey almost 2 years ago, may now be, or in the near future, rated a 2 and eventually a 1.
- Even with the excellent Engineering and Public Works Department that Franklin Township has, with increased traffic and 'mother nature', the condition of our roads get worse, not better.
- THE COSTS TO RESURFACE ALL OF THE ROADS IN NEED OF IMMEDIATE RESURFACING IS WELL OVER \$5,000,000 (FIVE MILLION DOLLARS).
- At the current amount of money Council is allocating for road resurfacing each year, it will take 5 or more years at the very best just to get caught up with the roads that are in immediate need of resurfacing.
- With material and labor costs almost always on the rise the costs could actually far exceed \$6,000,000 (six million dollars) (for roads which presently need resurfacing) over the next 5 or more years, if we wait that long to catch up.
- This survey, as informative and accurate as it is, can not predict how much more money will be needed to resurface roads that will deteriorate from a 2004 rating of a 3 or 4 down to a 2 or 1 rating over the next 5 to 6 years.
- NONE OF THE ROADS THAT ARE SLATED TO BE RESURFACED BY THE END OF 2006 ARE IN WARD 5 OR WARD 4.

#### RECOMMENDATIONS FOR COUNCIL CONSIDERATION TO REVISIT AND REVISE THE SHORT AND LONG TERM APPROACH TO ROAD RESURFACING IN FRANKLIN TOWNSHIP

- Add at least a total of 4 or 5 residential neighborhood type roads in Ward 5 and Ward 4 in the 2006 road resurfacing plan. Costs would be between \$250,000 and \$400,000, depending on the roads selected.
- Include an equal mix of heavy traffic volume, commuter friendly type roads, and medium and light traffic volume residential, neighborhood type roads, when selecting which roads will be resurfaced each year.
- Double or at the very least, substantially increase the amount of money allocated for road resurfacing each year so that we can get caught up with our present backlog of roads presenting in need of immediate resurfacing.
- GET CAUGHT UP IN 2 TO 3 INSTEAD OF 5 TO 6 YEARS
- Have the Engineering Department repeat the survey in 2 years in order to get an accurate picture of where we stand in relation to the number of roads that will need resurfacing within 0-2 years from that point in time.
- Once caught up, adjust the amount each year that Council allocates for road resurfacing so that we do not fall behind in having good road conditions in all of Franklin Township in the future.

Mayor Levine suggested that since there is only nine (9) weeks left in the budget year, that this be addressed in the FY2007 budget. Mr. Regan suggested that a road or roads be done in Wards 4 and 5 this year and that the Public Works Committee re-evaluate the worst in each.

Mr. Sumter stated that the roads have been selected for FY2006 and this should be addressed in FY2007.

Deputy Mayor Ashley-Williams stated that this is a good report and commended Mr. Vassanella for putting this information together. She stated that she agrees with Mr. Sumter that the roads that have previously been selected for FY2006 remain and that this be addressed in FY2007 more aggressively.

Mr. Daly stated that the 2006 Road Program Ordinance has been adopted and it would take approximately two (2) months to amend it and would delay the project.

Mr. Vassanella asked for clarification of the \$280,000 surplus. Mr. Day stated that the ordinance lists what roads have been selected and would be bid on. If there is extra money, it could be used for additional roads. The Public Works Committee could look at what roads could be added. Mr. Vassanella stated that he does not have any problem with the FY2006 road selection. He stated that more money needs to be appropriated for the road program. He stated that it needs to be addressed more aggressively in order to catch up more quickly.

### *Name a Street for Kevin Apuzzio*

Mr. Daly presented East Franklin Fire Department's request to name a street for Kevin Apuzzio to honor his memory. Mr. Daly reviewed the criteria used to select a street. He recommended that Alexander Avenue be renamed Kevin Apuzzio Avenue. It was also requested that Pine Grove Avenue be designated honorably as Kevin Apuzzio Plaza.

Ms. Danile arrived at 9:04 p.m.

Ms. Ritchie moved that an ordinance be added to the agenda renaming Alexander Avenue as Kevin Apuzzio Avenue. Said motion was seconded by Mr. Regan and carried unanimously upon call of the roll.

A resolution giving the honorary designation of Pine Grove Avenue as Kevin Apuzzio Plaza will be scheduled for the May 9<sup>th</sup> meeting.

Deputy Mayor Ashley-Williams asked for a status report of the Traffic Subcommittee. Mr. Vassanella reported that the subcommittee has met three (3) times. He stated that they are working on several projects, some of them included in an ordinance proposed tonight – Ordinance No. 3610 - An ordinance amending the Vehicles & Traffic Ordinance as follows: Provide for an On-Street Handicapped Parking Space for St. Matthias Church; No Stopping or Standing on DeMott Lane; No Parking on Castleton Avenue; Prohibiting Left Turns onto Amwell Avenue from Wilson Road, McGuffy Avenue and Charles & French Streets; No Left Turn from Wilson Avenue onto Treptow Road and Amending Parking Regulations at the Municipal Complex Parking Lot.

Deputy Mayor Ashley-Williams thanked Mr. Vassanella for his report. She suggested that Council members submit written reports.

### **APPROVAL OF MINUTES**

Mayor Levine presented the following minutes: Work Session/Regular Meeting of March 14, 2006 and March 28, 2005 and Executive Session Minutes of February 28, 2006 and March 14, 2006.

Mr. McKenzie moved approval of the following minutes Work Session/Regular Meeting of March 14, 2006 and March 28, 2005 and Executive Session Minutes of February 28, 2006 and March 14, 2006. Said motion was seconded by Mr. Sumter 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	Danile		Regan (3/14)	
Eberle	Levine		Regan (3/28)	
McKenzie	Regan			
Ritchie	Sumter			
Vassanella				

**APPROVAL OF WARRANTS**

Mayor Levine presented the following warrants in the amount of \$1,862,856.23 for April 25, 2006 to the Township Council for payment:

1	Current	347,501.61
5	Water Operating	831,307.42
6	Water Capital	92,493.50
4	General Capital	239,921.59
15	Trust Others	149,842.29
12	Open Space Trust	12,399.20
2	Grant	115,311.12
26	Affordable Housing	24.35
3	Collector Trust	38,505.70
14	Dog Revenue	388.20
13	Redevelopment Agency	4,503.04
30	Payroll Agency	930.26
	Sub-Total	1,833,128.28
25	Escrow Account	29,727.95
	Grand Total	1,862,856.23

Deputy Mayor Ashley-Williams moved that warrants in the amount of \$1,862,856.23 for April 25, 2006 to be paid. Said motion was seconded by Mr. Regan 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	Danile			
Eberle	Levine			
McKenzie	Regan			
Ritchie	Sumter			
Vassanella				

A motion was made by Mr. Regan to amend the agenda to move the Public Hearing and Adoption of the Hamilton Street Special Improvement District Budget to this point on the meeting. Said motion was seconded by Deputy Mayor Ashley-Williams and carried unanimously upon call of the roll.

**FY2007 HAMILTON STREET SPECIAL IMPROVEMENT DISTRICT BUDGET**

**Resolution #06-146 – Read Budget by Title**

Mayor Levine presented the following resolution

**BE IT RESOLVED**, by the Township Council of the Township of Franklin, County of Somerset that it hereby determines that the FY2007 Hamilton Street Special Improvement District Budget shall be read by its title, as per NJSA 40:56-84 and it is declared that all required conditions have been met.

The aforesaid resolution was moved by Ms. Danile, seconded by Mr. Regan 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	Danile			Eberle
Levine	McKenzie			
Regan	Ritchie			
Sumter	Vassanella			

**Public Hearing**

Mr. Regan moved to open the meeting for a public hearing on the FY2007 Hamilton Street Special Improvement District Budget. Said motion was seconded by Ms. Danile and carried unanimously upon call of the roll.

Mayor Levine stated that the meeting is open for public discussion on the FY2007 Hamilton Street Special Improvement District Budget. He stated that anyone interested in speaking to raise their hand and when recognized, state your name and address.

There being no comments by the public, Mr. Sumter moved to close the public hearing on the FY2007 Hamilton Street Special Improvement District Budget. Said motion was seconded by Deputy Mayor Ashley-Williams and carried unanimously upon call of the roll.

**Resolution #06-147 – Adoption of FY2007 Hamilton Street Special Improvement District Budget**

Mayor Levine presented the following resolution:

**WHEREAS**, at its meeting of March 14, 2006, the Township Council of the Township of Franklin introduced and approved the Hamilton Street Special Improvement District Budget for the period of July 1, 2006 – June 30, 2007, which budget is annexed hereto: and

**WHEREAS**, after notice of advertisement in the Township's official newspaper, *The Courier News*, the Township Council conducted a public hearing on April 25, 2006 and

**WHEREAS**, the Township Council has determined that at least one (1) week prior to the hearing, a complete copy of the proposed budgets were (a) advertised; (b) posted in the Township Clerk's Office; and (c) made available to each person requesting the same before and during the public hearing; and

**WHEREAS**, all persons having interest in the budget were given the opportunity to present objections; and

**WHEREAS**, the Township Council of the Township of Franklin having considered the comments at the public hearing is of the opinion that it is appropriate and desirable to adopt the budget by resolution after closing the hearing;

**NOW, THEREFORE, BE IT RESOLVED** the Township Council of the Township of Franklin that:

- 1] The Hamilton Street Special Improvement District budget is approved by the Township Council of the Township of Franklin and it is approved for the period of July 1, 2006 – June 30, 2007 in the amount of \$100,000 to the Hamilton Street Special Improvement District.
- 2] This special assessment is hereby imposed and shall be collected with either the regular tax payment (or payment in lieu of taxes), or otherwise, on properties located within the Township of Franklin as set forth within the ordinance and the assessment as follows: Schedule A shall be assessed at \$100,000.

- 3] Payments to the District received by the Township of Franklin shall be transferred to the Hamilton Street Business and Community Corporation to be expended in accordance with the approved budget; and
- 4] The Township Clerk is hereby authorized to forward a certified copy of this resolution to Hamilton Street Special Improvement District Management Corporation, the Somerset County Board of Taxation, and the Director of the Division of Local Government Services in the State of New Jersey Department of Community Affairs.
- 5] Budget - \$100,000

The aforesaid resolution was moved by Ms. Danile, seconded by Mr. Regan 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	Danile			Eberle
Levine	McKenzie			
Regan	Ritchie			
Sumter	Vassanella			

**ORDINANCES – PUBLIC HEARING & FINAL CONSIDERATION**

**Ordinance No. 3604**

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 226, VEHICLES AND TRAFFIC - SECTION 226-13, PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS (BERKLEY PLACE)**

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

Mr. Sumter moved to open the meeting for a public hearing on the ordinance. Said motion was seconded by Ms. Danile and carried unanimously upon call of the roll.

Mayor Levine stated that the meeting is open for public discussion on this ordinance. He stated that anyone interested in speaking to raise their hand and when recognized, state your name and address.

There being no comments by the public, Mr. McKenzie moved to close the public hearing on the ordinance. Said motion was seconded by Mr. Sumter and carried unanimously upon call of the roll.

Ms. Danile moved the final passage of the ordinance 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	Danile			Regan
Eberle	Levine			Vassanella
McKenzie	Ritchie			
Sumter				

**Ordinance No. 3605**

Mayor Levine offered the following ordinance:

**BOND ORDINANCE PROVIDING FOR THE PURCHASE AND INSTALLATION OF VARIOUS INFORMATION SERVICES EQUIPMENT FOR VARIOUS DEPARTMENTS IN THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$150,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$142,800 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COSTS THEREOF**

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

Ms. Danile moved to open the meeting for a public hearing on the ordinance. Said motion was seconded by Mr. Sumter and carried unanimously upon call of the roll.

Mayor Levine stated that the meeting is open for public discussion on this ordinance. He stated that anyone interested in speaking to raise their hand and when recognized, state your name and address.

John McConville, 5 Stone Leigh Way, asked for clarification of the ordinance. Mayor Levine replied that the life of the equipment is five (5) years and the actual cost is plus approximately 3-4% interest.

There being no further comments by the public, Mr. McKenzie moved to close the public hearing on the ordinance. Said motion was seconded by Deputy Mayor Ashley-Williams and carried unanimously upon call of the roll.

Mr. McKenzie moved the final passage of the ordinance 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	Danile			Regan
Eberle	Levine			
McKenzie	Ritchie			
Sumter	Vassanella			

**Ordinance No. 3606**

Mayor Levine offered the following ordinance:

**BOND ORDINANCE PROVIDING FOR THE PURCHASE AND INSTALLATION OF EQUIPMENT FOR THE TRUNKED RADIO SYSTEM, BY AND IN THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$3,500,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$3,333,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COSTS THEREOF**

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

Mr. McKenzie moved to open the meeting for a public hearing on the ordinance. Said motion was seconded by Mr. Sumter and carried unanimously upon call of the roll.

Mayor Levine stated that the meeting is open for public discussion on this ordinance. He stated that anyone interested in speaking to raise their hand and when recognized, state your name and address.

There being no comments by the public, Mr. Sumter moved to close the public hearing on the ordinance. Said motion was seconded by Ms. Danile and carried unanimously upon call of the roll.

Mr. McKenzie moved the final passage of the ordinance 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	Danile			
Eberle	Levine			
McKenzie	Regan			
Ritchie	Sumter			
Vassanella				

### PUBLIC DISCUSSION

Ms. Danile moved to open the meeting for public discussion. Said motion was seconded by Mr. Sumter and carried unanimously upon voice vote.

Mayor Levine announced that this meeting is open for public discussion on any item of interest, which does not have a public hearing of its own. He stated that if anyone was interested in speaking to raise their hand and when recognized, state their name and address.

Wayne Sellers, 122 Prospect Street, commended Mr. Vassanella's road analysis and Mr. Regan's creative thinking to add more roads to the FY06 road program. He suggested that the road program be more equitable and include roads in all of the wards.

Bob Raich, 132 Douglas Avenue, urged Council to include roads from Ward 5 in the FY06 road program and expressed his concerns regarding drainage and the lack of street cleaners.

Pat Giannotto, Hamilton Street Business Corporation/Neighborhood Preservation Plan, expressed his concerns with the poor condition of Kossuth Road.

Phillip Kramer, 429 Canal Road, TUF, candidate for County Committee – Democrat – District 3, expressed his disappointment with the current members of the Democratic Party in the Township. He expressed his wish that the FTTV-25 volunteer policy be corrected prior to the primary election. He noted that recording Planning Board and Board of Adjustment meetings was mentioned in the winter issue of the Township's newsletter.

Mr. Kramer spoke of the Meet the Candidates Night for Board of Education candidates sponsored by the PTO. He asked if the PTO paid for the use of the facilities would that be considered the same as sponsoring debates on FTTV-25. Mr. Rainone stated that he is unable to answer the question because he does not the use facility arrangement by the Board of Education.

Joel Mintz, 17 Sherman Circle, spoke of his concerns with the poor road conditions; tax increases; and the defeated school budget.

Melvin Steinberg, 11 Hardenburgh Street, requested that the speed limit on Schoolhouse Road be increased to accommodate the expansion of the road. Mr. Daly replied that it is being worked on by the Police Department.

Anil Takkallapalli, 9 Julie Court, asked for the Police Department to look into the break-ins that have been occurring in his neighborhood.

John Walker, 63 Claremont Road, commended the idea of renaming Alexander Avenue as Kevin Apuzzio Avenue. He reported that the Franklin Park Water Main Construction is proceeding well and fast. He expressed his contentment that the NJDEP contract is listed on the consent agenda. He spoke of a resident who lived on Claremont Road who had succumbed to cancer. He stated that there have been 29 cases of cancer in this area over the last 30 years.

John McConville, 5 Stone Leigh Way, asked that Council ask the School Board to cut back their budget. Mr. Rainone stated that even though Council has to determine what the cuts are to be, the School Board doesn't have to cut in those particular areas. Mr. McConville wished Council luck in working on the school budget.

Mr. Daly announced that Jane Jacobs, renowned urban writer who wrote *The Death and Life of Great American Cities* passed away. He noted that she was a believer in "mixed-use" planning.

Mr. McKenzie moved to close the public discussion. Said motion was seconded by Ms. Regan and carried unanimously upon call of the roll.

### COUNCIL COMMENTS

Mr. Vassanella stated that he plans to attack the poor road condition problem aggressively in FY2007. He stated that the Board of Education debate was a productive evening. He stated that it would be great if the Township had something similar sponsored for Township candidates.

Mr. McKenzie agreed that the roads need to be repaired. He stated that he hears the same complaints from residents in Ward 2. He stated that the problem is Township wide. He thanked everyone for expressing their concerns. He stated that Council will be looking at the defeated school budget. He stated that they are focused on the wrong issue – the issue is finding a better way to finance schools.

Ms. Eberle thanked Mr. Walker for all of his help and information. She stated that he is a great citizen and advocate of the Township. She spoke of Firefighter Kevin Apuzzio's funeral, noting that it was an inspirational experience and the Township owes his family an invaluable debt. She asked that the children in the Township be kept in mind while reviewing the school budget.

Ms. Ritchie echoed Ms. Eberle's sentiments regarding Mr. Walker. She agreed that the children of the Township need to be kept in mind. She spoke of Jane Jacob's passing and her creation of the mixed use neighborhoods. She stated that mixed-use neighborhoods prevent break-ins. She spoke of the road improvements. She supported the new procedure in selecting what roads are to be included in the road program. She stated that the procedure is unbiased. She stated that it was not a conscience decision to leave any ward out of the program. She stated that areas not in this year's program will be addressed in future years.

Ms. Danile spoke of a complaint of a resident who was told that a water heater inspection would take place between 9 am and 5 pm. She asked that the range be more narrow. She expressed her gratitude for the renaming of Alexander Avenue to Kevin Apuzzio Avenue. She expressed her appreciation of helping with the Kevin Apuzzio Memorial Fund. Ms. Danile spoke of Mr. McConville's comments regarding bond ordinances and asked if Council and set an annual CAP.

Mr. Sumter commended the Black History Month volunteers. He commended the First Aid Squads for the fine job they do for the Township. He asked that the road program for FY06 be left alone and to address additional roads in FY07. He stated that the School Board needs to find a better way to sell their budget to the public.

Mr. Regan commended the renaming of the street in honor of Kevin Apuzzio. He noted there are other streets name for officers who gave service to the Township. He noted the attended the candidate's night for the School Board candidates. He read a letter from Ray Betterbid requesting televising of Planning Board and Board of Adjustment meetings. He stated that the Township can only bond a certain percentage of the total budget. He stated that he would not be voting on the school budget because he wife is a teacher in the district. He stated that education of the greatest gift to children who are our future.

Deputy Mayor Ashley-Williams thanked Mr. Walker for informing Council of the resident's passing on Claremont Road and expressed her condolences. She stated the Township is moving in the right direction and it is unknown if it is related to the contamination. She agreed with Ms. Ritchie that the road program procedure is a fair one. She stated that the biggest complaint she hears from people in her ward are the roads. She stated that she is in favor of candidate debates sponsored by outside organizations. She stated that Council should not sponsor debates. She stated that the PTO sponsored the debates not the Board of Education.

Mayor Levine spoke of debates that were held in the Community Center by outside organizations. He stated that when reviewing the school budget he would not reduce line items that would affect the children.

### INTRODUCTION OF ORDINANCES

#### Ordinance No. 3603

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 62 - SALARIES & COMPENSATION – SECTION 62-3 – ANNUAL BASE COMPENSATIONS FOR ELECTED AND APPOINTED EMPLOYEES/OFFICIALS**

Mayor Levine stated that the foregoing ordinance 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 23, 2006.

Mr. McKenzie moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on May 23, 2006 at 7:00 p.m. in the Council Chambers, Municipal Building. 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	Danile			
Eberle	Levine			
McKenzie	Regan			
Ritchie	Sumter			
Vassanella				

#### Ordinance No. 3607

Mayor Levine presented the following ordinance:

**AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY BY ADDING A NEW CHAPTER 330, TO BE ENTITLED STORMWATER MANAGEMENT, WHICH CHAPTER PROVIDES STORMWATER CONTROL REGULATIONS AND PENALTIES FOR VIOLATION OF THE CHAPTER.**

Mayor Levine stated that the foregoing ordinance 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 23, 2006.

Mr. McKenzie moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on May 23, 2006 at 7:00 p.m. in the Council Chambers, Municipal Building. 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	Danile			
Eberle	Levine			
McKenzie	Regan			
Ritchie	Sumter			
Vassanella				

**Ordinance No. 3610**

Mayor Levine presented 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 226-10 – STOPPING OR STANDING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS; SECTION 226-13 – PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS; SECTION 226-22 – TURN PROHIBITIONS; SECTION 226-30 - HANDICAPPED PARKING; AND SECTION 226-31 – CONTROL OF MOVEMENT AND PARKING ON PUBLIC AND BOARD OF EDUCATION PROPERTY**

Mayor Levine stated that the foregoing ordinance 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 23, 2006.

Mr. McKenzie moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on May 23, 2006 at 7:00 p.m. in the Council Chambers, Municipal Building. 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	Danile			
Eberle	Levine			
McKenzie	Regan			
Ritchie	Sumter			
Vassanella				

**Ordinance No. 3611**

Mayor Levine presented the following ordinance:

**AN ORDINANCE CHANGING THE NAME OF ALEXANDER AVENUE IN THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY TO KEVIN APUZZIO AVENUE**

Mayor Levine stated that the foregoing ordinance 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 23, 2006.

Mr. Regan moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on May 23, 2006 at 7:00 p.m. in the Council Chambers, Municipal Building. Said motion was seconded by Ms. Danile 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	Danile			
Eberle	Levine			
McKenzie	Regan			
Ritchie	Sumter			
Vassanella				

**CONSENT AGENDA ITEMS**

Upon motion by Mr. McKenzie, seconded by Mr. Regan, the following consent agenda items 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	Danile			
Eberle	Levine			
McKenzie	Regan			
Ritchie	Sumter			
Vassanella				

**Resolution #06-149** Authorize Renewal of Membership in the Central Jersey Joint Insurance Fund.

**WHEREAS**, the Township of Franklin is a member of the Central Jersey Joint Insurance Fund; and

**WHEREAS**, said renewed membership terminates as of June 30, 2006 unless earlier renewed by agreement between the Township and the Fund; and

**WHEREAS**, the Township desires to renew said membership;

**NOW, THEREFORE, BE IT RESOLVED** as follows:

1. The Township of Franklin agrees to renew its membership in the Central Jersey Joint Insurance Fund and to be subject to the Bylaws, Rules and Regulations, coverage, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the Fund.
2. The Township Council shall be and hereby are authorized to execute the agreement to renew membership annexed hereto and made part hereof and to deliver same to the Central Jersey Joint Insurance Fund evidencing the Township's intention to renew its membership.

**Resolution #06-150** Amend Resolution – Cigna Dental – Employee Dental Insurance – Additional \$2,000.00 – New Total: \$8,000.00.

**WHEREAS**, there is a need to increase the amount authorized for Cigna Dental by \$2,000.00, new total amount - \$8,000.00; and

**WHEREAS**, the Township of Franklin desires to amend purchase items as follows which are exempt from the bidding requirements of the Local Public Contracts Law and meeting the requirement of an Extraordinary Unspecifiable Service (**NJSA 40A:11-5(m)**):

**VENDOR:** Cigna Dental  
**ITEM:** Dental Insurance - Township Employees  
**COST:** Additional \$2,000.00 – New Total \$8,000.00 for the period July 1, 2005 to June 30, 2006

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

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin, County of Somerset that the above purchase be authorized subject to the following provisions:

- (1) This contract is awarded without competitive bidding as a exemption under the provisions of the Local Public Contracts Law, NJSA 40A:11-5(1)(m).
- (2) 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.
- (3) 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 contract authorized herein.
- (4) 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 contract authorized herein.

**Resolution #06-151** Approval of the Work Plan for the Neighborhood Preservation Program (NPP) of Franklin Township.

**WHEREAS**, the Township of Franklin by resolution authorized the Mayor to enter into an agreement with the State of New Jersey to obtain an NPP grant from the Department of Community Affairs; and

**WHEREAS**, as a condition of the grant, the Department of Community Affairs (DCA) requires Franklin Township to develop a strategic work plan that will delineate the activities of the program and will describe the manner in which the grant funds are to be expended; and

**WHEREAS**, the NPP Office of Franklin Township has developed such a work plan and budget; and

**WHEREAS**, the DCA of the State of New Jersey is in receipt of said work plan and budget; and

**WHEREAS**, approval of the governing body is required for the final approval of the work plan by the DCA; and

**WHEREAS**, final approval of said work plan and budget will permit Franklin Township to proceed with the required activities to fulfill the stipulations of the NPP Grant;

**NOW, THEREFORE, BE IT RESOVLED**, by the Township Council of Franklin Township that they have reviewed the particulars of the work plan of said grant; and

**BE IT FURTHER RESOLVED** that said NPP Work Plan is approved to be enacted by the Township Council of the Township of Franklin.

**Resolution #06-152** Award Bid – National Waterworks – Fixed-Based Radio Automatic Meter Reading System, Phase I – Not to Exceed \$93,129.00.

**WHEREAS**, a notice to bidders for the receipt of bids for Fixed-Based Radio Automatic Meter Reading System, Phase I was published in the Courier News on March 9, 2006 with a bid opening of March 30, 2006; and

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

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

**National Waterworks  
228 Williamstown Road  
Berlin, NJ 08009**

**Fixed-Based Radio Automatic Meter Reading System, Phase I**

**Amount not to exceed \$93,129.00; 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 company.

**Resolution #06-153** Award Extraordinary Unspecifiable Service – Family and Community Services – ARISE Program Youth Workers to September 30, 3006 – Not to Exceed \$11,642.00.

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

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

**WHEREAS**, that continuation of the terms of this contract beyond June 30, 2005 is contingent upon availability of funds in the 2006FY Budget, and in the event of unavailability of such funds, the Township of Franklin reserves the right to cancel this contract.

**WHEREAS**, the Local Public Contracts Law (**N.J.S.A. 40A:11-5(m)**) requires that the resolution authorizing the award of contracts for "EXTRAORDINARY UNSPECIFIABLE 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 an "EXTRAORDINARY UNSPECIFIABLE SERVICE" under the provisions of the Local Public Contracts Law.
- (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 Extraordinary Unspecifiable 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 Extraordinary Unspecifiable Service Agreement authorized herein.

**VENDOR NAME:** Family and Community Services of Somerset County  
**ADDRESS:** 222 West Second Street, Bound Brook, NJ 08805  
**CONTRACT AMOUNT:** Not to exceed \$11,462  
**SERVICE:** ARISE Program & Substance Abuse Treatment Services

**Resolution #06-154** Authorize Discharge of Second Payment Mortgage & Discharge of Affordable Housing Agreement – Kerron & Montinque Parker.

**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 agreement and Discharge of Second Repayment Mortgage for the premises known as 70 Fisher Drive, Franklin Park, Block 34.02, Lot 16.03 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 #06-155** Authorize Discharge of Mortgage – Russell & Deborah Homan – Block 175, Lot 1 – 582 Hamilton Street.

**WHEREAS**, the Township of Franklin holds a mortgage dated April 20, 1988 in the amount of \$9,500.00 for Block 175, Lot 1, owned by Russell & Deborah Homan for premises located at 582 Hamilton Street in conjunction with dwelling renovations 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 the 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

**WHEREAS**, the aforesaid six (6) year period has expired and the mortgage is no longer 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 a Discharge of Mortgage and to have same filed with the County Recording Officer.

**Resolution #06-156** Authorize Insertion in FY06 Budget – Chapter 159 – 2006 Child Passenger Safety Grant - \$6,200.00.

**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 \$6,200.00 with \$0.00 match for FY2006 CHILD PASSENGER SAFETY GRANT and wishes to amend its 2006 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 2006 in the sum of \$6,200.00 which is now available as revenue from: FY2006 CHILD PASSENGER SAFETY GRANT.

**BE IT FURTHER RESOLVED** that a like sum of \$6,200.00, – FY2006 CHILD PASSENGER SAFETY GRANT, be and the same is hereby appropriated under the caption of: FY2006 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 #06-157** Authorize Insertion in FY06 Budget – Chapter 159 – 2005 Body Armor Replacement Fund Grant - \$9,261.00.

**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 \$9,261.00 with \$0.00 match for FY2005 BODY ARMOR REPLACEMENT FUND GRANT and wishes to amend its 2006 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 2006 in the sum of \$9,261.00 which is now available as revenue from: FY2005 BODY ARMOR REPLACEMENT FUND GRANT.

**BE IT FURTHER RESOLVED** that a like sum of \$9,261.00, – FY2005 BODY ARMOR REPLACEMENT FUND GRANT, be and the same is hereby appropriated under the caption of: FY2005 BODY ARMOR REPLACEMENT FUND 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 #06-158** Award Competitive Contract – Sports for Life Inc. – Administration of Tennis Program – July 1, 2006 to June 30, 2007 – Not to Exceed \$31,040.00.

**WHEREAS**, the Township of Franklin is desirous of contracting for the administration of the tennis program; and

**WHEREAS**, N.J.S.A. 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**, bids for the administration of the tennis program was publicized;

**BE IT RESOLVED** by the Township Council of the Township Council of the Township of Franklin, Somerset County, NJ that the following contract be awarded to:

**SPORTS FOR LIFE! INC.**  
290 River Road #E5  
Piscataway, NJ 08854

**Amount not to exceed \$31,040.00; and**

**BE IT FURTHER RESOLVED** that the Mayor and Township Council 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.

**Resolution #06-159** Award Bid - T-Mobile USA Inc. – Co-Location on the Police Cell Tower – June 1, 2006 to May 30, 2011 - \$2,000 per month.

**WHEREAS**, a notice to bidders for the receipt of bids for Co-Location on the police Cell Tower for June 1, 2006 through May 30, 2011 was published in the Courier News on February 22 with an addendum issued on March 6, 2006 with a bid opening of March 28, 2006; and

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

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

**T-Mobile USA Inc.**  
4 Sylvan Way  
Parsippany, NJ 07054  
Co-Location on the Police Cell Tower – June 1, 2006 through May 30, 2011

**Amount not to exceed \$2,000.00/month; 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 company.

**Resolution #06-160** Award Bid – Hoffman Services Inc. – New Bay Lifts for 40 Churchill Avenue – Amount Not to Exceed \$120,000.00.

**WHEREAS**, a notice to bidders for the receipt of bids for New Bay Lifts for 40 Churchill Avenue was published in the Courier News on March 9, 2006 with one addendum issued on March 16, 2006 with a bid opening of March 30, 2006; and

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

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

**Hoffman Services Inc.**  
55 E. Bieglow Street  
Newark, NJ 07114

New Bay Lifts for 40 Churchill Avenue

Amount not to exceed \$120,000.00; 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 company.

**Resolution #06-161** 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.

<u>BLOCK/LOT</u>	<u>NAME/ADDRESS</u>	<u>QTR/YR</u>	<u>AMOUNT</u>
11.11/28	Robert Wirtz 33 Winding Way Princeton, NJ 08054	2/06 Paid Twice	1,107.29
102/4	Ishmael Sheriff 122 Churchill Avenue Somerset, NJ 08873	2/06 3/06 Paid Twice	1,139.64 .01

**Resolution #06-162** Authorize Tax Title Lien Redemption – Outside Buyer.

**WHEREAS**, at a sale of land for delinquent taxes and all liens held by the Collector of Taxes of Franklin Township, Somerset County, various blocks and lots were sold to the following persons; and

**WHEREAS**, said property and/or liens have been redeemed by the owners thereof, and the purchasers of said property are legally entitled to a refund of monies paid at the time of redemption in the following specific amount;

**NOW, THEREFORE, BE IT RESOLVED** that the amounts covering the certificates of sale, together will 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 9, 2005  
**Block/Lot:** 148/15  
**Name & Address:** Bellan, Alexander  
 120 Victor Street  
 Somerset, New Jersey 08873  
**Amount:** \$38,505.70  
**Make Check Payable To:** Art Heinrich  
 6 Hawthorne Drive  
 Somerset, New Jersey 08873  
**Certificate No.:** 05-033  
**Payment Received:** April 11, 2006

**Resolution #06-163** Authorize Release of Planning/Building 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:	Churchill Estates	
ADDRESS:	PO Box 98	
	Somerset, NJ 08875	
DOCKET NO.	PLN2005-0005	
BLOCK/LOT:	101/70.01, 71.01 & 72.01	
LOCATION:	Churchill & Annapolis St.	
AMOUNT DEPOSITED:	\$1,500.00 <Heyer>	\$1,500.00 <In-Hse>
AMOUNT CHARGED:	<u>797.50</u>	<u>520.00</u>
AMOUNT TO BE REFUNDED:	\$ 702.50	\$ 980.00

APPLICANT:	NJ Investment Partners, LLC	
ADDRESS:	10 G Aver Court	
	East Brunswick, NJ 08816	
DOCKET NO.	ZBA2003-0912	
BLOCK/LOT:	517.02/19.01	
LOCATION:	220 Cottontail Lane	
AMOUNT DEPOSITED:	\$4,000.00 <Heyer>	\$4,000.00 <In-House>
AMOUNT CHARGED:	<u>2,135.00</u>	<u>700.00</u>
AMOUNT TO BE REFUNDED:	\$1,865.00	\$3,300.00

**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.

**Resolution #06-164** Authorize Performance Guarantee Release – NJ Investment Partners, LLC – Block 517.02/Lot 19.01 – 2200 Cottontail Lane – ZBA2002-0912 - \$12,006.00.

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

ITEM:	Performance Bond
NAME OF APPLICANT:	NJ Investment Partners LLC
ADDRESS OF APPLICANT:	PO Box 160 Westfield NJ 07091
NUMBER:	Cash
INSURANCE CO./BANK:	N/A
IN THE AMOUNT OF:	\$12,006.00
FOR:	Site Improvements – Block 517.02/Lot 19.01 – 2200 Cottontail Lane

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

**WHEREAS**, the Township Engineer, after inspection, recommended release of the aforesaid Performance Guarantee;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the aforesaid Performance Guarantee in the amount of \$12,006.00 be released to the above named applicant.

**Resolution #06-165** Authorize Appropriation of \$5,000 from Contingency to be donated to the Kevin Apuzzio Memorial Fund.

**BE IT RESOLVED** by the Township Council of the Township of Franklin, County of Somerset, New Jersey does hereby authorize the appropriation of \$5,000 from the Contingency Fund to be donated to the Kevin Apuzzio Memorial Fund.

**Resolution #06-166** Authorize Township to Submit a Grant Application to the Somerset County Planning Board for the County/Municipal Open Space Partnership Program Fiscal Year 2006.

**WHEREAS**, the County of Somerset has created and funded the County/ Municipal Open Space Partnership Program to provide direct funding to municipalities for local open space acquisition;

**WHEREAS**, the Township of Franklin is seeking funding from the County of Somerset for reimbursement for the acquisition of the Galdi Tract, Block 75, Lot 14;

**WHEREAS**, this project preserves much needed open space in the Township;

**WHEREAS**, it has been determined that the cost of the acquisition was \$241,424;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Franklin that the Mayor is hereby authorized to file an application with the County of Somerset County/Municipal Open Space Partnership Program in the amount of \$200,000 for reimbursement for the acquisition of the Galdi Tract;

**BE IT FURTHER RESOLVED** that the Franklin Township Council hereby directs the Clerk to forward a copy of the resolution to the Somerset County Planning Board.

**Resolution #06-168** Authorize Reduction of Performance Bond – The Stop & Shop Supermarket Co. – Bond #104314826 – PLN2004-0019 – Block 385/Lot 2.07 – Easton Avenue – From \$4,326,179.88 to \$1,297,853.96.

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

ITEM:	Performance Bond
NAME OF APPLICANT:	The Stop & Shop Supermarket Co.
ADDRESS OF APPLICANT:	1385 Hancock Street, Quincy, MA 02169
SITE PLAN DOCKET:	PLN2004-0019
NUMBER:	#104314826
INSURANCE CO./BANK:	Travelers Casualty & surety Co. of America of Hartford
IN THE AMOUNT OF:	\$4,326,179.88
FOR:	Site Improvements for Block 385/Lot 2.07

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

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the aforesaid Performance Bond #104314826 from \$4,326,179.88 to \$1,297,853.96 to the above named applicant.

**Resolution #06-169** Authorize Submission of a Grant Application to the County of Somerset for the Youth Athletic and Recreation Facility Grant Program.

**BE IT AND IT IS HEREBY RESOLVED** that the Township Council of the Township of Franklin, County of Somerset, State of New Jersey does hereby authorize the submission of a grant application to the Somerset County Youth Athletic and Recreation Facility Grant Program in the amount of \$15,000 for the following:

1. Installation of new backstops and baseline fence at Inman Park
2. Purchase of storage boxes, bleachers and players benches at various parks.

And does authorize the appropriate Township officials to execute these grant applications on its behalf.

**Resolution #06-170** Authorize Emergency Purchase – Nastus Brothers – Air Conditioning Unit for Server Room – Not to Exceed \$28,000.00.

**WHEREAS**, NJSA 40A:11-6 provides that a purchase, contract or agreement may be made, negotiated or awarded without public advertising for bids and bidding therefor, notwithstanding that the cost or contract price will exceed the amount set in the prevailing bidding threshold, when an emergency affecting the public health, safety or welfare requires the immediate delivery or performance of services, provided:

A written requisition for the performance of such work or labor, or the furnishing of materials, supplies or services is filed with the contracting agent or his deputy in charge describing the nature of the emergency, the time of its occurrence and the need for invoking this section, certified by the officer or director in charge of the department wherein the emergency occurred, or such other officer or employee as may be authorized to act in the place of said officer or director, and the contracting agent or his deputy in charge, being satisfied that the emergency exists, is hereby authorized to award a contract for said work or labor, materials, supplies or services; and

**WHEREAS**, an emergency situation meeting the criteria set forth above caused by the immediate need for a new air conditioning unit and condenser for the server room to sufficiently cool the server room and avoid burning out the equipment;

**WHEREAS**, an emergency purchase is to be made from Nastus Brothers Inc., PO Box 7479, North Brunswick, NJ 08902 in the amount not to exceed \$28,000.00 for an air conditioning unit and condenser;

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Franklin, County of Somerset and State of New Jersey does hereby authorize the payment of \$28,000.00 to Nastus Brothers Inc. for the emergency purchase described herein in accordance with NJSA 40A:11-6.

**Resolution #06-171** Authorize Subordination Agreement – Cole – Block 346/Lot 4 – 404 Girard Avenue.

**BE IT AND IT IS HEREBY RESOLVED** that the Township Council of the Township of Franklin in the County of Somerset and State of New Jersey does hereby authorize the Mayor and Township Clerk to execute on its behalf Subordination Agreement in connection with a mortgage with Alonzo and Traci Cole for Block 346, Lot 4 located at 404 Girard Avenue, Somerset, NJ.

**Resolution #06-172** Authorize Execution of Contract with the NJ Department of Environmental Protection for the Water Supply Project related to the Franklin Park Groundwater Contamination Site.

**BE IT AND IT IS HEREBY RESOLVED** that the Township Council of the Township of Franklin in the County of Somerset and State of New Jersey does hereby authorize the Mayor to execute on its behalf a contract with the New Jersey Department of Environmental Protection for the Water Supply Project related to the Franklin Park Groundwater Contamination Site.

**Resolution #06-173** Increase Bid Threshold from \$25,000.00 to \$29,000.00 as allowed by New Jersey State Statute as of July 1, 2005.

**WHEREAS**, effective July 1, 2005, Local Public Contracts Law provided local contracting units the ability to increase their bid threshold up to \$29,000.00; and

**WHEREAS**, N.J.S.A, 40A:11-3a, permits an increase in the bid threshold if a Qualified Purchasing Agent is appointed as well as granted the authorization to negotiate and award such contracts below the bid threshold; and

**WHEREAS**, Joyce Miller possesses the designation of Qualified Purchasing Agent and on May 28, 2002 was appointed the Township of Franklin's Qualified Purchasing Agent to exercise the duties of a purchasing agent pursuant to N.J.S.A. 40A:11-2(30), with specific relevance to the authority, responsibility and accountability of the purchasing activity of the contracting unit; and

**WHEREAS**, the Township of Franklin desires to take advantage of the increased bid threshold;

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Franklin, County of Somerset, hereby increases its bid threshold to \$29,000.00;

**BE IT FURTHER RESOLVED** that in accordance with N.J.A.C. 5:34-5.2, the Municipal Clerk is hereby authorized to forward a certified copy of this resolution along with a copy of Joyce Miller's certification to the Director of the Division of Local Government Services.

## APPOINTMENTS

### Board/Commission Appointments

Mr. McKenzie moved to approve the following appointments by acclamation:

Barbara Lawrence as Regular Member of the Historic Preservation Commission for a two-year term ending 12/31/07.

Kathryn Orlando as Alternate #2 Member of the Historic Preservation Commission for an unexpired term ending 12/31/06.

Tyrone M. Jamison as Alternate #2 Member to the Rent Leveling Board for a one-year term ending 12/31/06.

Sarah Israel as Municipal Liaison to the Somerset County Cultural & Heritage Advisory Committee for a one-year term ending 12/31/06.

Said motion was seconded by Ms. Eberle and carried unanimously upon call of the roll.

### Agricultural Advisory Committee

Frank McLaughlin and Michael Ricketts were nominated for the appointment of Regular Member of the Agricultural Advisory Committee for a one-year term ending 12/31/06.

The Township Clerk polled Council on nominations for Regular Member of the Agricultural Advisory Committee for a one-year term ending 12/31/06 as follows:

McLaughlin  
Regan  
Vassanella

Ricketts  
Ashley-Williams  
Eberle  
Levine  
McKenzie  
Ritchie  
Sumter

Absent  
Danile

### Board of Adjustment Alternates

Gary Rosenthal and Alan Rich were nominated for the appointment of Board of Adjustment Alternate #3 Member for an initial term ending 12/31/06.

The Township Clerk polled Council on nominations for Board of Adjustment Alternate #3 Member for an initial term ending 12/31/06 as follows:

Rosenthal  
Levine  
Regan  
Vassanella

Rich  
Ashley-Williams  
Eberle  
McKenzie  
Ritchie  
Sumter

Absent  
Danile

Carl Wright and Anthony Caldwell were nominated for the appointment of Board of Adjustment Alternate #4 Member for an initial term ending 12/31/07.

The Township Clerk polled Council on nominations for Board of Adjustment Alternate #4 Member for an initial term ending 12/31/07 as follows:

**Rosenthal**  
Levine  
Regan  
Vassanella

**Rich**  
Ashley-Williams  
Eberle  
McKenzie  
Ritchie  
Sumter

**Absent**  
Danile

**EXECUTIVE SESSION**

Upon motion by Mr. Regan, seconded by Mr. McKenzie, the following resolution was adopted as follows upon call of the roll:

<b><u>AYES</u></b>	<b><u>AYES</u></b>	<b><u>NAYS</u></b>	<b><u>ABSTAIN</u></b>	<b><u>ABSENT</u></b>
Ashley-Williams	Eberle			Danile
Levine	McKenzie			
Regan	Ritchie			
Sumter	Vassanella			

**WHEREAS**, Section 8 of the Open Public Meetings Act, (N.J.S.A. 10:4-12 (b) (1-9), Chapter 231, P.L. 1975, permits the exclusion of the Public from a meeting under certain circumstances; and

**WHEREAS**, the Township Council is of the opinion that such circumstances do exist;

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

- 1 The public shall be excluded from discussion of and action upon the hereinafter specified subject matters;
- 2 The general nature of the subject matter to be discussed is as follows:

**Open Space Acquisitions – Lemantovich & Riya**

- 3 The Township Council may take official action on those items discussed in Executive Session upon completion of the Execution Session.
- 4 The minutes of the discussions shall be made available to the public as soon as the matters under discussion are no longer of a confidential or sensitive nature.
- 5 This resolution shall take effect immediately.

Mayor Levine announced that Council would be adjourning to Executive Session. No other business would be conducted and the recording of the meeting would end.

**ADJOURNMENT**

Mr. Regan moved to adjourn the meeting at 11:00 p.m. Said motion was seconded by Deputy Mayor Ashley-Williams and carried unanimously upon call of the roll.

Approved:

Brian D. Levine, Mayor

Date:

Ann Marie McCarthy, Township Clerk