

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 Deputy Mayor at 7:05 p.m.

Deputy Mayor McKenzie 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 26, 2005. 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 Councilwoman Eberle led the Invocation.

The Township Clerk called the roll.

Present: Ms. Ashley-Williams, Mr. Chivukula (arrived at 8:17 p.m.), Ms. Danile, Ms. Eberle, Mr. Levine (arrived at 7:05 p.m.), Mr. McKenzie, Ms. Ritchie, Mr. Sumter.

Absent: Mr. Regan

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

PROCLAMATIONS

Asian-American Heritage Month

Mayor Levine, with Ms. Eberle, presented the following proclamation to Carol Ho:

WHEREAS, America is strengthened by the rich cultural diversity of our people, and we are blessed to be a Nation that welcomes individuals of all races, religions and cultural backgrounds; and

WHEREAS, the values and traditions of the Asian-American community – love of family, entrepreneurship, excellence in education and community service – have strengthened us as a Nation; and

WHEREAS, May 2005 is Asian-American Heritage Month to honor the achievements of Asian-Americans; and

WHEREAS, the Somerset County Asian-American Heritage Month Celebration will be held on May 7, 2005 to celebrate the heritage and contributions of these talented and hard-working citizens and recognize their rich legacy of ingenuity, perseverance, and achievement; and

NOW, THEREFORE, I, BRIAN D. LEVINE, MAYOR of the Township of Franklin, Somerset County, New Jersey on behalf of the Township Council do hereby proclaim the month of May 2005 as "**ASIAN-AMERICAN HERITAGE MONTH**" in the Township of Franklin, Somerset County and call upon its citizens to learn more about the history of Asian-Americans and how they have contributed to the culture and heritage of our Nation.

“Days of Remembrance”

The following proclamation was read by Ms. Eberle:

WHEREAS, the Holocaust was the state-sponsored, systematic persecution and annihilation of European Jewry by Nazi Germany and its collaborators between 1933 and 1945. Jews were the primary victims – six million were murdered; Gypsies, the handicapped, and Poles were also targeted for destruction or decimation for racial, ethnic, or national reasons. Millions more, including homosexuals, Jehovah’s Witnesses, Soviet prisoners of war and political dissidents, also suffered grievous oppression and death under Nazi tyranny; and.

WHEREAS, the history of the Holocaust offers an opportunity to reflect on the moral responsibilities of individuals, societies, and governments; and

WHEREAS, we the people of the Township of Franklin should always remember the terrible events of the Holocaust and remain vigilant against hatred, persecution, and tyranny; and

WHEREAS, we the people to the Township of Franklin should actively rededicate ourselves to the principles of individual freedom in a just society; and

WHEREAS, the Days of Remembrance have been set aside for the people of the Township of Franklin to remember the victims of the Holocaust as well as to reflect on the need for respect of all peoples; and

WHEREAS, pursuant to an Act of Congress (Public Law 96-388, October 7, 1980) the United States Holocaust Memorial Council designates the Days of Remembrance of the Victims of the Holocaust to be Sunday, May 1 through Sunday, May 8, 2005, including the international Day of Remembrance known as Yom Hashoah, May 6;

NOW, THEREFORE, I, BRIAN D. LEVINE, Mayor of the Township of Franklin, on behalf of the Township Council do hereby proclaim the week of Sunday, May 1 through Sunday, May 8, 2005, as Days of Remembrance in memory of the victims of the Holocaust, and in honor of the survivors, as well as the rescuers and liberators, and further proclaim that we, as citizens of the Township of Franklin, should strive to overcome intolerance and indifference through learning and remembrance.

Arbor Day

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

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 and caring of 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 29th, 2005 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 2005, as well as the vital role trees play in absorbing and filtering stormwater, the Shade Tree Commission and community volunteers will plant trees, including bald cypress, ash and maple trees in and around Township-maintained detention basins 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 29th Arbor Day in Franklin Township and do hereby encourage all residents to plant, conserve and care for trees throughout Franklin Township.

Black History Month Recognitions

Mayor Levine, with Ms. Ashley-Williams and Diane Leach-Thompson presented the following Black History Month Recognitions:

Marie Thompson

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 do hereby extend to **MARIE THOMPSON, PROGRAM CHAIRPERSON- BLACK HISTORY MONTH COMMITTEE** appreciation and commendation of the Township Council for her active part in making the February Black History Month Celebration an overwhelming success.

Karen Stockwell

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 do hereby extend to **KARIN STOCKWELL, CHILDREN'S DAY CHAIRPERSON- BLACK HISTORY MONTH COMMITTEE** appreciation and commendation of the Township Council for her active part in making the February Black History Month Celebration an overwhelming success.

Adrienne Lewis

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 do hereby extend to **ADRIENNE LEWIS, CHILDREN'S DAY- BLACK HISTORY MONTH COMMITTEE** appreciation and commendation of the Township Council for her active part in making the February Black History Month Celebration an overwhelming success.

Linda Bailey

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 do hereby extend to **LINDA BAILEY, CHILDREN'S DAY - BLACK HISTORY MONTH COMMITTEE** appreciation and commendation of the Township Council for her active part in making the February Black History Month Celebration an overwhelming success.

Barbara McKenzie

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 do hereby extend to **BARBARA McKENZIE, CHILDREN'S DAY - BLACK HISTORY MONTH COMMITTEE** appreciation and commendation of the Township Council for her active part in making the February Black History Month Celebration an overwhelming success.

Lorraine Boyd

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 do hereby extend to *LORRAINE BOYD - BLACK HISTORY MONTH COMMITTEE* appreciation and commendation of the Township Council for her active part in making the February Black History Month Celebration an overwhelming success.

Singing Pastors, Program Volunteers

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 do hereby extend to *SINGING PASTORS, PROGRAM VOLUNTEERS - REVEREND LINWOOD ROUSE; REVEREND KENNETH SAUNDERS; REVEREND BYRON WILSON; ELDER CALVIN WILLIAMS - BLACK HISTORY MONTH COMMITTEE* appreciation and commendation of the Township Council for their active part in making the February Black History Month Celebration an overwhelming success.

Shepards – Program Volunteers

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 do hereby extend to - *SHEPARDS - PROGRAM VOLUNTEERS: GEORGE ROBERTS; RICHARD TYUS; KEVIN PROCTOR; ROBERT McCOY; GARY BAILEY; JEROME TYUS; CURTIS GREEN - BLACK HISTORY MONTH COMMITTEE* appreciation and commendation of the Township Council for their active part in making the February Black History Month Celebration an overwhelming success.

Program Volunteers

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 do hereby extend to - *THE EDISON JOB CORPS - ACADEMY GOSPEL CHOIR - PROGRAM VOLUNTEERS - BLACK HISTORY MONTH COMMITTEE* appreciation and commendation of the Township Council for their active part in making the February Black History Month Celebration an overwhelming success.

Program Support Services Volunteers

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 do hereby extend to - *EBENEZER DANCE TROOP - PROGRAM SUPPORT SERVICES VOLUNTEER - BLACK HISTORY MONTH COMMITTEE* appreciation and commendation of the Township Council for their active part in making the February Black History Month Celebration an overwhelming success.

Lorene Osely-Johnson

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 do hereby extend to *LORENE OSELY-JOHNSON - PROGRAM SUPPORT SERVICES VOLUNTEER - BLACK HISTORY MONTH COMMITTEE* appreciation and commendation of the Township Council for her active part in making the February Black History Month Celebration an overwhelming success.

Jasmine Leach

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 do hereby extend to *JASMINE LEACH - PROGRAM SUPPORT SERVICES VOLUNTEER - BLACK HISTORY MONTH COMMITTEE* appreciation and commendation of the Township Council for her active part in making the February Black History Month Celebration an overwhelming success.

Anyeai Garner

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 do hereby extend to *ANYEAI GARNER - PROGRAM SUPPORT SERVICES VOLUNTEER - BLACK HISTORY MONTH COMMITTEE* appreciation and commendation of the Township Council for her active part in making the February Black History Month Celebration an overwhelming success.

Jarred Lewis

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 do hereby extend to *JARRED LEWIS - PROGRAM SUPPORT SERVICES VOLUNTEER - BLACK HISTORY MONTH COMMITTEE* appreciation and commendation of the Township Council for his active part in making the February Black History Month Celebration an overwhelming success.

Kevin Parker

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 do hereby extend to *KEVIN PARKER - PROGRAM SUPPORT SERVICES VOLUNTEER - BLACK HISTORY MONTH COMMITTEE* appreciation and commendation of the Township Council for his active part in making the February Black History Month Celebration an overwhelming success.

Cynthia Dale

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 do hereby extend to *CYNTHIA DALE - PROGRAM SUPPORT SERVICES VOLUNTEER - BLACK HISTORY MONTH COMMITTEE* appreciation and commendation of the Township Council for her active part in making the February Black History Month Celebration an overwhelming success.

Dion Boyd

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 do hereby extend to *DION BOYD - PROGRAM SUPPORT SERVICES VOLUNTEER - BLACK HISTORY MONTH COMMITTEE* appreciation and commendation of the Township Council for his active part in making the February Black History Month Celebration an overwhelming success.

MAYOR'S REPORT

Mayor Levine made the following report:

- Thanked FTTV-25 volunteers.
- Explanation of how a meeting is conducted for the benefit of audience and viewers.
- Announced the defeat of the school budget and bond question. He reviewed the defeated school board budget procedures. He congratulated the school board candidates.
- Announced the visit of Congressman Holt to the Township. Ms. Eberle reported that Congressman Holt and AARP held an informative meeting regarding social security and the President's proposed changes. Both AARP and Congressman Holt were not in favor of the proposed changes.
- Announced that the NJ Department of Environmental Protection found a black bear and relocated him to Six Mile Run. Mayor Levine reported the Township's objection to the placement of the black bear in the Township, noting the last time the bear went from the Township to South Brunswick and was killed. Mr. Daly reviewed the NJ Department of Environmental Protection's procedures when a black bear is found. Mr. Daly stated that he intends to send a letter to the NJ Department of Environmental Protection regarding its objection to the placement of the black bear and its placement policies.

DEPUTY MAYOR'S REPORT

Deputy Mayor McKenzie yielded part of his report to Ms. Ritchie. Ms. Ritchie reported the master plan is 80%-90% completed and the first draft will include public comments. She reported that the Housing Element is on-schedule.

Deputy Mayor McKenzie reported that Council has the task of reviewing and taking action on the defeated school board budget. He stated the problem is not the school board budget, the problem is how it is funded. He urged the residents to contact their legislators regarding property tax reform.

REVIEW OF THE PREPARED AGENDA

Mayor Levine led the following review of the prepared agenda:

Ms. Ritchie followed up to the discussion held at the February 7th Council Retreat regarding priorities to be determined. Mr. Daly replied they would be discussed during the budget process.

Mayor Levine explained that *Resolution #05-182 – FY2006 – Preliminary Municipal Tax Levy* is in connection with sending out the tax bills.

A brief discussion ensued regarding *Resolution #05-188 – Awarding the FY2005 Historic Grant from the Open Space Trust Fund to the Meadows Foundation for projects at the Tulipwood House and the Wyckoff-Garretson House in the amount of \$140,000*. This resolution was removed from the agenda for further explanation on the items included in the grant. It would be acted upon at the next meeting.

Ms. Ashley-Williams requested that *Resolution #05-196 – Authorize Grant Application – Somerset County Open Space Partnership Grants – Reimbursement for Purchase of the Scott Farm - \$300,000.00* be voted on separately. This resolution was added to Item #18 on the Agenda – Resolutions to be Voted on Separately.

Grace Evans was named to be nominated as the Non Senior Member of the Senior Citizen Advisory Committee for a one-year term ending December 31, 2005.

The following items were added to the *Executive Session* agenda: Litigation and Potential Property Purchase.

APPROVAL OF MINUTES

Upon motion by Ms. Danile, seconded by Ms. Eberle, the February 7, 2005 Council Retreat Minutes and the February 8, 2005 Work Session/Regular Meeting Minutes were approved 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			Chivukula
Eberle	Levine			Regan
McKenzie	Ritchie			
Sumter (abstain 2/8)				

APPROVAL OF WARRANTS

Mayor Levine presented the following warrants in the amount of \$965,889.97 for April 26, 2005 to the Township Council for payment:

1	Current	274,450.93
5	Water Operating	15,817.50
4	General Capital	7,914.96
15	Trust Others	2,130.33
18	Self Insurance Trust	967.50
21	Recreation Trust	1,417.98
12	Open Space Trust	20,378.58
2	Grant	13,507.08
3	Collector Trust	173.16
14	Dog Revenue	623.40
22	Payroll	628,321.05
13	Redevelopment Agency	187.50
	Sub-Total	965,889.97
	Grand Total	965,889.97

Deputy Mayor McKenzie moved that warrants in the amount of \$965,889.97 for April 26, 2005 to be paid. Said motion was seconded by Ms. Ashley-Williams 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			Chivukula
Eberle	Levine			Regan
McKenzie	Ritchie			
Sumter				

ORDINANCES – PUBLIC HEARING

Ordinance No. 3540

Mayor Levine offered the following ordinance:

AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY CREATING A SPECIAL IMPROVEMENT DISTRICT FOR THE TOWNSHIP OF FRANKLIN – HAMILTON STREET BUSINESS COMMUNITY.

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 Ms. Ashley-Williams 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 Baptist, 850 Hamilton Street, expressed his concerns regarding the assessment calculations. He opposed the ordinance and stated that he does not have the funds to pay assessment. He stated the assessment is inequitable and there has to be a better way to fund this.

Vincent Vignudour, 512 Hamilton Street, reported his took a petition to the special improvement district businesses and found that 49 signatures oppose the special improvement district. He stated that the businesses do not need additional charges (taxes). He asked if the Special Improvement District Coordinator was a paid position. Mr. Daly replied there is no position and explained that the Hamilton Street Business Corporation prepares the budget for Council review and public discussion.

John McConville, 5 Stone Leigh Way, stated the ordinance was vague and had no timeframe.

Shirley Pietrucha, 49 9th Street, stated that many are opposed to the ordinance. She stated the ordinance provides to create a independent agency with broad powers. She stated the ordinance requires more review and recommended that a survey should be conducted to represent 100% of the district. She asked that the ordinance be postponed.

Bruce Negri, 110 Ambrose Street, 818 Hamilton Street – Somerset Plaza, stated that he is conflicted and attended several meetings where the attendance was poor. He stated that the notice was to the property owners. He asked if the tenants were informed. He stated that it should be fair to the tenants. Guidelines need to be strict. He stated that the ordinance has not been discussed enough by the affected business owners.

Raymond, Beauty Salon – Hamilton Street, stated the budget only passed by businesses which has a five-year plan and guidelines. He stated the information is out there. There were many meetings that supported the Special Improvement District to improve businesses on Hamilton Street. He explained the budget process.

Courtney Throckmorton, 591 Somerset Street, noted his business is not in the Special Improvement District. He stated that he has never spoke to anyone who supports this ordinance. He stated the extra tax is not necessary. He stated that a mission is needed as well as a timetable. He stated that 49 out of 76 property owners oppose this ordinance. He expressed his concerns with the ordinance.

Shika Ademu-John, 841 Hamilton Street, Franklin Diner, stated that several meetings were held and asked those to look at the benefits of the Special Improvement District. He supported the ordinance.

Doris Bennett, 62 Bennetts Lane, expressed her concerns with the language of the ordinance. She asked for clarification on many sections of the ordinance.

Al-Este Inc., 477 Hamilton Street/605 Franklin Blvd., stated this has no benefit to him and that this area is not like downtown Somerville. He opposed the assessment.

Pat Gianatto, President, Hamilton Street Business Corporation, stated this project has been ongoing for three years and there is a five year plan associated with it. He stated that at

first he did not like the concept, but the more he learned, the more he understood and supported it.

Quiglen Daubon, 130 Kossuth Street, expressed his concerns regarding the ordinance.

Robert Mettler, 2303 Amwell Road, asked if the corporation would have the power to bond. Mr. Rainone replied in the negative.

Lee Merrill, 541 Hamilton Street, stated that the area needs to be improved and it would be money well spent. He stated the improvements would bring customers to the businesses. He expressed his support of the ordinance.

Bob Carson, Johns Plaza, Hamilton Street, Vice President of the Hamilton Street Business Corporation, gave a brief history of the Special Improvement District and stated it would be revitalizing and improving Hamilton Street. He stated that the improvements to the buildings would deter the perception that the area is not safe or secure. He stated that the Special Improvement District would provide good management and involvement of the community. He expressed his support of the ordinance.

Peter Mack, Sophie's Bistro & The Den, stated he cannot pay the tax and asked that they work to find other options. He expressed his opposition to the ordinance.

Mr. Giannotto stated that it would be another year before the budget would be approved from the time the ordinance is adopted.

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

Mr. Chivukula moved the final passage of the ordinance and publication in accordance with law. Said motion was seconded by Ms. Danile.

Mr. Chivukula stated that changes are frightening and that the Hamilton Street District improvements are needed. He stated that grants have been applied for and received. He stated that something needs to be done to start the improvements. He stated that there have been several meetings, a consultant's report and many surveys over the last three (3) years. He stated that it started with facade improvements and the idea to make the area safe and expanded to the Special Improvement District. He stated that he is not in favor of hurting small businesses, but something needs to be done. He stated that there are grants available to help businesses. He stated that there are two choices – let the area become run down or do something to improve it.

Ms. Ashley-Williams stated she supports the plan. She expressed her concerns of the misinformation that has been given and the poor attendance of the meetings held. She stated that many individuals have not taken the time to get all the information and noted that it is so important to do so.

A break took place at 9:05 p.m. to change the video tape. The meeting resumed at 9:15 p.m.

Ms. Danile stated that a Special Improvement District should not be looked as forcing taxes on businesses, it should be looked at as an investment. She stated businesses who don't re-invest in their own business don't grow. She stated there is a business plan and a budget that is subject to Council approval. The budget is formulated by the business owners. Ms. Danile asked if the assessments are perpetual. Mr. Rainone replied that Council can repeal the ordinance. He stated that most Special Improvement Districts have a starter phase, a capital phase and a promotion phase. He stated that Council can determine when the Special Improvement District is no longer necessary.

Deputy Mayor McKenzie stated that this was discussed two to three months prior. He stated that the Township Manager had instructed the staff to meeting with the businesses. Deputy Mayor McKenzie asked for the results of the staff meeting with the businesses. Mr. Daly replied that Frank Hasner, Economic Development Director, sent and hand-delivered notices to all businesses in the area and answered any questions and concerns they had.

Mr. Sumter questioned who signed the petition on the line where his business is listed. He stated that someone without his authority signed for his business. He challenged the validity of the petition.

Deputy Mayor McKenzie stated that there is an ongoing effort to obtain grants to offset costs.

Mr. Sumter supported the improvements to the Hamilton Street Business District. He stated that he owns a business in the district and will have to recuse himself from voting on the ordinance. He noted that he supports the ordinance as a business owner.

Ms. Ritchie stated that Special Improvement Districts have been successful. She stated that if a business owner was really concerned with the ordinance they would have attended tonight's meeting. She supported moving on the ordinance this evening. She stated that Township staff has done all it could do to outreach to the businesses. She stated that she fully supports the ordinance.

In response to a comment stating that they are not downtown Somerville, Ms. Eberle asked why they could not become better. She expressed her support of the ordinance.

Mayor Levine commended the community and staff for the extensive outreach to the businesses and the involvement of the community. He stated that Special Improvement Districts are generally a good idea. Mayor Levine made a motion to table the ordinance until the next meeting to get further community involvement and information. There was no second, therefore the motion died.

Ms. Ashley-Williams stated that it is important to continue to reach out the community and property owners and get their involvement. She stated that the businesses in the area are aware and do understand what improvements can be made.

Ms. Eberle stated that they can finally have a business area that can be beautiful.

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		Sumter	Regan
Danile	Eberle			
Levine	McKenzie			
Ritchie				

Ordinance No. 3541

Mayor Levine offered the following ordinance:

AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY AUTHORIZING ACCEPTANCE OF CONSERVATION EASEMENT IN CONNECTION WITH 940 EASTON AVENUE – BLOCK 385, LOT 2.07.

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. Chivukula 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. Chivukula moved to close the public hearing on the ordinance. Said motion was seconded by Ms. Danile 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	Chivukula			Regan
Danile	Eberle			
Levine	McKenzie			
Ritchie	Sumter			

Ordinance No. 3542

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 52-5, ANNUAL COMPENSATION FOR FULL TIME WHITE COLLAR MUNICIPAL EMPLOYEES (ADD POSITION – COMMUNITY DEVELOPMENT COORDINATOR/SENIOR ZONING OFFICER TO LEVEL “A” SALARY LEVEL OF \$46,315.20 - \$69,322.80)

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. Chivukula 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.

Teddi DeVries, 244 Berger Street, asked if the position of Redevelopment Administrator was for Route 27. Mr. Daly replied in the negative.

Courtney Throckmorton, 591 Somerset Street, asked if this was an added position in the Planning/Zoning Office. Mr. Daly replied that it was not a position being added as a result of the reorganization of the Planning/Zoning Office.

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

Mr. Chivukula moved the final passage of the ordinance and publication in accordance with law. Said motion was seconded by Ms. Danile and carried as follows upon call of the roll:

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

PUBLIC DISCUSSION

Mr. Chivukula moved to open the meeting for public discussion. Said motion was seconded by Deputy Mayor McKenzie and carried unanimously upon call of the roll.

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.

Teddi DeVries, 244 Berger Street, expressed her concerns and support of the Redevelopment Area. She stated that it should not be rushed and the public needs to be kept apprised. Council must set agenda, not the developers. She stated that the Township should use the people themselves to redevelop their properties and proceed.

Sheila Murph, 4 Debra Drive, spoke of concerns in her neighborhood as a result of the construction of Hampton Ridge. She stated that the condition of the area is disrespectful to the homeowners and community. She stated these conditions have existed since 2001. There is garbage on the streets, fifty (50) dead trees and an abandoned construction trailer. She stated that she has contacted the Construction Official; the Township Engineer and the Health Director regarding this matter. The developer has received fined and continue to repeat the offenses. She suggested that a procedure be put in place placing time limits for removing these items from the site. She stated that she is very discouraged as well as the community and noted that they deserve better than this.

Vincent Vignudour, 512 Hamilton Street, defended the validity of the petition. He stated that he went out to the community with the petition to help the community. Ms. Danile asked if renters were also part of the petition. He stated that he surveyed the business owners and followed up with the renters.

Pat Giannotto, 602 Hamilton Street, spoke of an application for a variance for the two-family house. He stated that they were looking for connection to the Township's sewer system. He asked if there was a sewer moratorium and that they could not have two connections because the area is at full capacity – they could only have one connection. He asked who has authority of the Sewerage Authority and what regulations do they follow. He stated the Planning Board needs to know what the Township's sewer system capacity is before granting variances and applications.

Charles Hicks, 29 Zeller Drive, expressed his concerns and opposition to black bears at Six Mile Run. He stated that the area is too small for them and the State should find a larger area for them. He stated that the roads in the Township are in deplorable condition and need to be repaved. He stated that he has lived here for nine (9) years and his road has never been fixed. He stated that there are bushes that impede sight at the intersection of Rolling Rock Road and Amwell Road.

Philip Kramer, 429 Canal Road, TUF, stated that the voters rejected the proposed school budget and recommended that an outside independent budget examiner be hired to review the budget. He stated that the voters have lost faith in the school budget and that the School Board misrepresented the tax rate at \$286 when it really is \$545. He stated that it may not be the best choice for the Township Manager and Township Auditor to review the school budget. Mr. Daly replied that the Township Auditor is experienced in dealing with school budgets.

Brian St. Rose, 45 Bayard Avenue, stated that the NJDEP and the EPA have cited land contaminated and that no one has helped him. He stated that they left the site unsecured. He stated that the contaminated site was backfilled and the Health Department was also of no help. He stated that he is looking for help from anyone.

Harold Leventhal, 360 DeMott Lane, asked for the status of the skateboard park, noting that everyone has been waiting patiently. Mr. Daly replied that they will be receiving bids later in the week or next week. He stated that they should award in May and construction would begin in the summer. He stated that the fields at Middlebush Park would be completed next Spring.

Chip Hoever, 68 Veronica Avenue, agreed with Mr. Kramer that an independent auditor be hired too examine the school budget. He stated that people are leaving the Township because they cannot afford the taxes. He stated that the sign ordinance is not being enforced and he sent emails to Mr. Daly regarding sign violations and nothing has been done. He hoped in the future the ordinance would be enforced.

John McConville, 5 Stone Leigh Way, expressed his concerns of the safety hazards at Easton Avenue and the Rutgers Preparatory School. He also spoke of the costs of traffic violations. He agreed with Mr. Kramer regarding an independent auditor to review the school budget.

Courtney Throckmorton, 591 Somerset Street, expressed his concerns regarding the residents of Block 123 and the redevelopment area. He noted that the Special Improvement District can take out loans. In relation to the defeated school budget, he stated that there cannot be any more increases.

Gary Grille, 17 Winston Drive, supported the concept of an independent auditor to review the school budget. He stated that people cannot afford the taxes anymore and property tax reform is needed.

Phyllis Beal, 6 Almond Court, stated that a reasonable approach needs to be taken regarding the school budget and property tax reform is needed.

At this time, Mr. Daly answered any questions or concerns from the public during the public discussion portion of the meeting.

Deputy Mayor McKenzie moved to close the public discussion portion of the meeting. Said motion was seconded by Ms. Danile and carried unanimously upon call of the roll.

COUNCIL COMMENTS

Ms. Ritchie agreed that the Planning Board and Sewerage Authority need to meet regarding zoning and sewerage capacity. She expressed her concerns that the Sewerage Authority could not find capacity for one home. She stated that if there is no sewerage capacity, there would be no COAH credit and that would become a problem for the Township. She stated she would pursue the Planning Board to schedule a meeting with the Sewerage Authority.

Ms. Ritchie stated in regards to the defeated school budget, she feels it is a representation of the majority vote. She stated that she intends to look at the school budget closely and asked for guidance and help during her first defeated school budget process.

Mr. Chivukula stated that there may not be enough time for an independent auditor to come in and review the defeated school budget. He noted two (2) consent items: the grant received for library carpeting in the amount of \$20,000 and the grant received for the extension of the water system in Franklin Park. He thanked Assemblyman Joseph Egan and Senator Bob Smith for helping bring this money into Franklin.

Ms. Danile stated that the statement made that “Franklin has lost faith in the Board of Education” is an unfair statement. She stated that she does not think that the parents of those children who excel in the Franklin School District have lost faith in the Board of Education. She stated that the school budget is not in the hands of Council to be examined. She asked for clarification of what qualities should the independent auditor possess.

Ms. Ashley-Williams agreed that there may not be enough time to hire an independent auditor to review the defeated school budget. She stated that she does not agree with the process that the State has mandated to municipalities. She stated Council will review the documents and reach out to whomever best to answer their questions and address their concerns. She stated that they need to find an alternative way to fund education and asked residents to contact their legislators.

Ms. Ashley-Williams clarified that the Gateway Project is not the only redevelopment area in the Township. She stated that it was unfortunate to have to change developers at this time, but feels it is an opportunity to move forward and do the right thing. She stated that proposals will go out and be submitted for review. She stated that Council is and has always been sensitive to the needs of those in Block 123 and to all individuals involved in the project. She stated that she would like everyone to understand the importance of a Redevelopment Administrator. They would come in and conduct the studies needed and work with the community, property owners and businesses and get the project to move in an appropriate manner.

Ms. Ashley-Williams stated that the public demanded the Open Public Records Act and we have to take the good with the bad. She stated she received a ticket and almost immediately she received letters from attorneys.

Ms. Eberle expressed her contentment that they are trying to improve the Hamilton Street area. She stated it is important to improve this area because it is the gateway to the Township. She stated the area can be a beautiful business area that people will want to come to shop and have lunch on a Saturday.

Ms. Eberle stated that in the past, Council has worked on defeated school budgets and did their due diligence. She stated that the Financial Oversight Committee would prepare recommendations for Council to review and act upon. She stated that it is not a pleasant job, but they have worked well on it in the past.

Mr. Sumter stated that it would be nice to see the Hamilton Street area revitalized. He agreed that the area needs to be improved. He stated that for some people, the taxes are devastating and Council can do little about it. He urged everyone to send the next Governor a message that they want a better way to fund education.

Deputy Mayor McKenzie apologized to Mr. Vignudour for statements he made regarding his petition. Deputy Mayor McKenzie stated that most people did not even see the budget before they voted against it. He reviewed some of the many expenses that are included in this year’s budget, for instance, the staffing of the new high school. He noted that the new high school is a one-time adjustment to the budget. He stated the budget includes many state and federal mandates that are not funded by the state or federal governments.

Mayor Levine commended Mr. Vignudour for his work on the petition. He agreed that an independent auditor would be a great idea. He reserved his comments regarding reductions to the school budget until after they meet with the Board of Education. He spoke of how there is not a standard method of how tax increases are calculated and suggested one should be constructed.

ORDINANCE INTRODUCTION

Ordinance No. 3546

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 226-20 – STOP INTERSECTIONS AND SECTION 226-30 (ON STREET HANDICAPPED PARKING SPACE).

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 24, 2005.

Deputy Mayor McKenzie moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on May 24, 2005. Said motion was seconded by Ms. Danile and carried as follows upon call of the roll:

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

CONSENT AGENDA ITEMS

Upon motion by Mr. Chivukula, seconded by Deputy Mayor McKenzie, the following consent agenda items were adopted as follows upon call of the roll:

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

Resolution #05-182 FY2006 – 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, NJSA 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 2006 Preliminary Municipal Tax Levy to be utilized in calculation of the municipal portion of the third and fourth installments of property tax is \$25,820,920; 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 #05-183 Authorize Refund of Deposits for Construction Water Meters.

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: Iron Hill Construction Mgt. Co.
ADDRESS: 22 S. Commerce Way Suite #7 Bethlehem, PA 18017

AMOUNT DEPOSITED: \$ 850.00
AMOUNT TO BE DEPOSITED IN WATER ACCOUNT
FOR SERVICE CHARGE & WATER USAGE \$ 275.00
AMOUNT TO BE REFUNDED: \$ 575.00

APPLICANT: Seacoast Builders Corp.
ADDRESS: 566 Halls Mills Road Freehold, NJ 07728

AMOUNT DEPOSITED: \$ 850.00
AMOUNT TO BE DEPOSITED IN WATER ACCOUNT
FOR SERVICE CHARGE & WATER USAGE \$ 335.00
AMOUNT TO BE REFUNDED: \$ 515.00

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 #05-184 Authorize Sale of Wheel Balancer to Sewerage Authority for \$1.00.

WHEREAS, New Jersey State Statute allows the transfer of equipment between government entities without auction; and

WHEREAS, the Township of Franklin is in possession of old equipment that can be transferred to another government entity for \$1.00;

NOW, THEREFORE, BE IT RESOLVED by the Township of Franklin, County of Somerset, State of New Jersey that it hereby authorizes the following:

1. Sale of Wheel Balancer to Sewerage Authority for \$1.00

Resolution #05-185 Authorize Release Maintenance Bond – Eastern Hill, LLC – Glen Eyre Tract B – Block 424.12/Lot 2.02 – Treptow Road – 2-year Maintenance – Water Line & Trenches - \$6,264.72

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

ITEM: Maintenance Bond
NAME OF APPLICANT: Eastern Hill, LLC – Glen Eyre Tract B
ADDRESS OF APPLICANT: 1065 Route 22 West, Bridgewater, NJ 08807
NUMBER: 371172
INSURANCE CO./BANK: International Fidelity Insurance Company
IN THE AMOUNT OF: \$6,264.72

FOR: Two (2) Year Maintenance – Water Line & Trenches – Block
424.12/Lot 2.02 – Treptow Road

WHEREAS, the aforesaid applicant has requested release of the aforesaid Maintenance Bond; and

WHEREAS, the Township Engineer, after inspection, recommends release of the aforesaid Maintenance 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 Maintenance Bond be released to the above named applicant.

Resolution #05-186 Endorse Submission of the Recycling Tonnage Grant Application & Designate Recycling Coordinator.

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c. 102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to Implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and to indicate the assent of the Township Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of Franklin in the County of Somerset and State of New Jersey hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Thomas Zilinek, Township Engineer/Director of DPW to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

Resolution #05-187 Authorize Disposition of Personal Property through Participation in the Somerset County Auction.

BE IT AND IT IS HEREBY RESOLVED that the Township Council of the Township of Franklin, County of Somerset and State of New Jersey does hereby authorize the sale and/or disposal of municipally owned personal property no longer needed for Township use as attached.

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

BE IT FURTHER RESOLVED that notice of this sale shall be published in the Legal Newspaper of the Township on April 28, 2005.

Resolution #05-189 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 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 7, 2001
Block/Lot: 20.03/9.03 C2004
Name & Address: Anthony Faltin
133 Gregory Lane
Franklin Park, NJ 08823
Amount: \$173.16
Make Check Payable To: Janet Crooks
1808 Myrtle Avenue
Plainfield, NJ 07063-1038
Certificate No.: 01-25
Payment Received: April 14, 2005

Resolution #05-190 Award Bid to Diamond Construction for Winston Vicinity Handicap Ramps in an amount not to exceed \$57,490.00.

WHEREAS, a notice to bidders for the receipt of bids for Winston Drive Vicinity Handicap Ramps was published in the Courier News on March 31, 2005 for receipt on April 14, 2005; and

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

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

Diamond Construction
PO Box 456
Dunellen, NJ 08812

Amount not to exceed \$57,490.00; and

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

Resolution #05-191 Extend Automobile Body and Repair Refinishing Contract with Summco, Inc., d/b/a Maaco Auto Painting & Body Work for the period of May 1, 2005 to April 30, 2006 in an amount not to exceed \$70,000.00.

BE IT AND IT IS HEREBY RESOLVED that the resolution adopted April 13, 2004 awarding bids for automobile body repair and refinishing for the period May 1, 2004 to April 30, 2005:

**Summco, Inc., d/b/a
Maaco Auto Painting and Body Works
17H Edgeboro Road
East Brunswick, NJ 08816**

be extended for the period May 1, 2005 to April 30, 2006 in an amount not to exceed \$70,000.00; and

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

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

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Township Clerk be and the same are hereby authorized to enter into a contract with the above listed company.

Resolution #05-192 Award State Contract to Motorola for five (5) Mobile Radios and Accessories for the Police Department in an amount not to exceed \$22,009.20.

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

VENDOR: MOTOROLA
PO Box 2953
Cherry Hills, NJ 08034
State Contract No. A53804

ITEMS: Mobile Radios and Accessories

COST: \$22,009.20

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

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

Resolution #05-193 Authorize Purchase for Seed for Open Space Parcels, including Negri-Nepote Grassland Preserve and Griggstown Native Grassland Preserve to F.M. Brown Sons, Inc., Seed Division in an amount not to exceed \$9,658.33.

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

VENDOR: **MOTOROLA**
 PO Box 2953
 Cherry Hills, NJ 08034
 State Contract No. A53804

ITEMS: Mobile Radios and Accessories

COST: \$22,009.20

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

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

Resolution #05-194 Authorize Contract for Annual Maintenance for Police Computer Aided Dispatching Software and Records Management System for the period of July 1, 2005 to June 30, 2006 to Queues Enforth Development, Inc. in an amount not to exceed \$19,145.00.

WHEREAS, the Township is desirous of providing annual maintenance for Police Computer Aided Dispatching Software and Records Management System; and

WHEREAS, under Local Public Contract Law 40A:11-5(dd), "goods or services for the support or maintenance of proprietary computer hardware and software.." is exempt from bidding;

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

QUEUES ENFORTH DEVELOPMENT INC.
14 Summer Street
Marlden, MA 02148

Amount not to exceed \$19,145.00; 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; and

BE IT FURTHER RESOLVED that a certificate executed by the Chief Financial Officer is attached certifying funds are available.

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

Resolution #05-195 Authorize Reduction of Performance Guarantee – Westminster News – Site Improvements – Block 37/Lot 5 – Route 27 – Reduce bond from \$4,967,587.80 to \$1,490,276.34.

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

ITEM:	PERFORMANCE BOND
NAME OF APPLICANT:	WESTMINSTER NEWS/DAVID HALPERN/FRANKLIN WEST LLC
ADDRESS OF APPLICANT:	90 Woodbridge Center Drive Woodbridge, NJ 07095
NUMBER:	P90014SPF
INSURANCE CO./BANK:	First Indemnity of America Ins. Co.
IN THE AMOUNT OF:	\$4,967,587.80
FOR:	Site Improvements – Block 37/Lot 5 – Route 27

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

WHEREAS, the Township Engineer, after inspection, recommends reduction of the aforesaid Irrevocable Letter/Credit from \$4,967,587.80 to \$1,490,276.34; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the aforesaid Irrevocable Letter/Credit be reduced to the above named applicant from \$4,967,587.80 to \$1,490,276.34.

Resolution #05-197 Authorize Grant Application – Somerset County Youth Grant - \$15,000 – Renovation and Construction of Athletic Fields or Recreational Facilities.

BE IT AND IT IS HEREBY RESOLVED that the Township Council of the Township of Franklin does hereby authorize the application to the Somerset County Youth Athletic Grant Program for \$15,000 for the renovation and construction of athletic fields or recreational facilities.

Resolution #05-198 Authorize Insertion in Budget – Chapter 159 – Livable Communities Local Library Program - \$20,000 – Carpeting at the Library.

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 \$20,000.00 from the NJ Department of Community Affairs – Livable Communities Local Library Aid and wishes to amend its 2005 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 2005 in the sum of \$20,000.00 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 \$20,000.00, 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 #05-199 Authorize Insertion in Budget – Chapter 159 – Statewide Livable Communities Capital Improvement Program - \$190,000 for extension of the water system to the Franklin Park neighborhood.

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 \$190,000.00 from the NJDEP – Statewide Livable Communities Capital Improvement Plan and wishes to amend its 2005 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 2005 in the sum of \$190,000.00 which is now available as revenue from: **NJDEP – Statewide Livable Communities Capital Improvement Plan**

BE IT FURTHER RESOLVED that a like sum of \$190,000.00, for NJDEP – Statewide Livable Communities Capital Improvement Plan be and the same is hereby appropriated under the caption of: **NJDEP – Statewide Livable Communities Capital Improvement Plan**

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 #05-200 Authorize Purchase for the Replacement of Filtration System at Naaman Williams Park Pool to Todd Harris Co., Inc. in an amount not to exceed \$16,000.00.

WHEREAS, the Township of Franklin desires to purchase items as follows which do not exceed the bid threshold but which exceed the limits set forth in Chapter 3, Section 3-13; and

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

VENDOR: Todd Harris Co., Inc.
PO Box 682
Edison, NJ 08818-0682

ITEMS: Replacement of filtration system at Naaman Williams Park Pool

COST: Not to exceed \$16,000.00

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

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

Resolution #05-201 Amend 2005 Meeting Schedule to add Special Meeting to be held on Tuesday, May 17, 2005 at 7:00 p.m. in Council Chambers to discuss and take action on the Defeated 2005-06 School Budget.

WHEREAS, as per the Open Public Meeting Act (P.L. 1975, Chapter 231) of the Laws of the State of New Jersey, Section 13 thereof, the Township Council of the Township of Franklin adopted a resolution providing notice of the annual meeting schedule for 2005 at its meeting held on November 23, 2004; and

WHEREAS, it has become necessary to amend the annual meeting schedule for 2005 as follows:

Add: Special Meeting to be held on Tuesday, May 17, 2005 at 7:00 p.m. to discuss and take action on the 2005-06 Defeated School Budget at the Council Chambers, 475 DeMott Lane, Somerset.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, Somerset County, State of New Jersey that it hereby amends its meeting schedule to add the following:

Special Meeting to be held on Tuesday, May 17, 2005 at 7:00 p.m. to discuss and take action on the 2005-06 Defeated School Budget at the Council Chambers, 475 DeMott Lane, Somerset.

Resolution #05-202 Amend Existing Contract with Civil Solutions for the implementation of the GIS Program in an amount not to exceed \$8,400.00.

WHEREAS, the Township of Franklin authorized a resolution for GIS-based software to be used by all departments and because of the complexity of the technology and the time required for implementing the plan, it is recommended that Civil Solutions be hired for this project; and

WHEREAS, there is a need to amend the contract to cover additional work conducted to:

Civil Solutions
PO Box 579
Hammonton, NJ 08037-2019
SC A56867

In the amount not to exceed \$8400.00

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 amended without competitive bidding as a exemption under the provisions of the Local Public Contracts Law, NJSA 40A:11-5(aii) to increase the amount by an amount not to exceed \$8,400.00;

- (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.

Resolution #05-203 Issue Special Event Permit – Senior Citizen Club of Franklin Township – Parade of Fashion & Afternoon Tea – May 1, 2005 – 1-6 PM – Community/Senior Center.

WHEREAS, a request has been received from the Senior Citizen Club of Franklin Township for permission to conduct a Parade of Fashion & Afternoon Tea on May 1, 2005 at the Community/Senior Center; and,

WHEREAS, the Senior Citizen Club of Franklin Township 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 the Senior Citizen Club of Franklin Township to conduct a Parade of Fashion & Afternoon Tea on May 1, 2005 at the Community/Senior Center, 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.

Resolution #05-204 Issue Special Event Permit – Franklin High School – Promenade – Pre-Prom Photo Sessions – May 6, 2005 from 4-6 PM at the Community/Senior Center and surrounding municipal grounds (Grosso Grove).

WHEREAS, a request has been received from Franklin High School (Lawrence Zambrowsky, Vice Principal, 415 Francis Street, Somerset NJ 08873) for permission to have FHS Promenade - Pre Prom Photo Sessions on May 6, 2005, to be conducted in the Community/Senior Center, 505 DeMott Lane, Somerset NJ and surrounding Municipal Grounds (Grosso Grove) between the hours of 4:00 pm - 6:00 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 6, 2005 between the hours of 4:00 pm and 6:00 pm, to be conducted in the Community/Senior Center and surrounding Municipal Grounds (Grosso Grove), 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 #05-205 Issue Special Event Permit – Franklin Township Senior Citizens Club – Box Lunch on May 10, 2005 at 10 am at the Community/Senior Center – Annual Picnic on June 21, 2005 from Noon to 4 pm at the Community/Senior Center/Grosso Grove.

WHEREAS, a request has been received from the Franklin Township Senior Citizens Club for permission to conduct the following:

Box Lunch on May 10, 2005 at 10AM at the Community/Senior Center

Annual Picnic on June 21, 2005 from Noon to 4 pm at the Community/Senior Center/Grosso’s Grove; and

WHEREAS, the Franklin Township Senior Citizens Club 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 the Franklin Township Senior Citizens Club to conduct the following:

Box Lunch on May 10, 2005 at 10AM at the Community/Senior Center

Annual Picnic on June 21, 2005 from Noon to 4 pm at the Community/Senior Center/Grosso’s Grove

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.

RESOLUTIONS TO BE CONSIDERED SEPARATELY

Mayor Levine presented the following resolution to be considered separately:

Resolution #05-196 Authorize Grant Application – Somerset County Open Space Partnership Grants – Reimbursement for Purchase of the Scott Farm - \$300,000.00

BE IT AND IT IS HEREBY RESOLVED that the Township Council of the Township of Franklin does hereby authorize the application to the Somerset County Open Space Partnership Grants for funds to reimburse the Township of Franklin for the purchase of the Scott Farm in the amount of \$300,000.00.

Upon motion by Mr. Chivukula, seconded by Ms. Eberle, the foregoing resolution was adopted as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Chivukula	Danile			Regan
Eberle	Levine			
McKenzie	Ritchie			
Sumter				

Resolution #05-206 Authorize Release of Planning/Building Review Escrow

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: TRAP ROCK INDUSTRIES
ADDRESS: PO Box 419
Kingston, NJ 08528
DOCKET NO: PLN2002-0018
BLOCK/LOT: 5.02/Lot 2,3, 38 & 39
LOCATION: Route 27
AMOUNT DEPOSITED: \$3,750.00 In-Hse \$1,250.00 E. Ritchie
AMOUNT CHARGED: 400.00 350.00
AMOUNT TO BE REFUNDED: \$3,350.00 \$ 900.00

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.

Upon motion by Mr. Chivukula, seconded by Ms. Danile, the aforesaid resolution was 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		Ritchie	Regan
Danile	Eberle			
Levine	McKenzie			
Sumter				

APPOINTMENTS

Upon motion by Ms. Danile, seconded by Ms. Eberle, the following appointments were approved 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			Regan
Danile	Eberle			
Levine	McKenzie			
Ritchie	Sumter			

- *Michele Samara-Timm, Emily Amon and Thomas Zilinek* as Regular Members of the Clean Communities Committee, each for a one (1) year term ending December 31, 2005.
- *Morteza Ansari and Mark Fortran* as Regular Members of the Trails Advisory Committee, each for an initial appointment ending December 31, 2006.
- *Akira B. Johnson and John Clyde* (Open Space Advisory Committee Member) as Regular Members of the Trails Advisory Committee, each for an initial appointment ending December 31, 2007.

- *Nicki Ann Newby, Michael Rose and James Lynch* as Regular Members of the Trails Advisory Committee, each for an initial appointment ending December 31, 2008.
- *Grace Evans* as the Non-Senior Member of the Senior Citizen Advisory Committee for a one-year term ending December 31, 2005.

EXECUTIVE SESSION

The following resolution was moved by Deputy Mayor McKenzie, seconded by Mr. Sumter and carried upon voice vote:

WHEREAS, Section 8 of the Open Public Meetings Act, (NJSA 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: *Personnel (Contract Negotiations and Retirement); Litigation and Potential Property Acquisition.*
3. The Township Council may take official action on those items discussed in Executive Session upon completion of the Executive Session.
4. The minutes of the discussion 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.

The meeting adjourned to Executive Session at 11.21. Deputy Mayor McKenzie moved to resume the meeting at 12:00 a.m. Said motion was seconded by Mr. Chivukula and carried unanimously upon voice vote.

ADJOURNMENT

Deputy Mayor McKenzie moved to adjourn the meeting at 12:01 a.m. Said motion was seconded by Ms. Eberle and carried unanimously upon call of the roll.

Approved:

Brian D. Levine, Mayor

Date:

Ann Marie McCarthy, Township Clerk