

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 Township Clerk at 7:03p.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 May 24, 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 Danile led the Invocation.

The Township Clerk called the roll.

Present: Ms. Ashley-Williams, Mr. Chivukula (arrived at 7:13 p.m.), Ms. Danile, Ms. Eberle, Mr. Levine, Mr. McKenzie, Mr. Regan, Ms. Ritchie, Mr. Sumter.

Absent: No one.

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

PROCLAMATIONS

Mayor Levine acknowledged the following proclamations:

Mental Health Awareness Month

WHEREAS, the Township of Franklin promotes mental health in the workplaces, schools and communities through proactive “mental health-friendly” policies and practices that augment the health and well-being of all individuals and their families; and

WHEREAS, it is recognized that mental health affects one in five families living and working in New Jersey in a given year regardless of age, gender, race, ethnicity, religion or economic status so that no community is unaffected by mental illnesses; and

WHEREAS, the stigma associated with mental illness, including self-stigma with negative feelings of shame, concerns about job security, and fear of rejection discourages individuals of all ages from seeking help; and

WHEREAS, mental illnesses are real, common, treatable and recovery is possible; and

WHEREAS, persons with mental illness, who receive appropriate treatment, medication, peer support, and support of family, friends, co-workers, teachers, neighbors, faith community members, and all others experience recovery; and

WHEREAS, these individuals are productive students, teachers, employees, business owners, and contributing members in their communities; and

WHEREAS, individuals who need screening, assessment, and referral for treatment services, may not receive help due to stigma, cultural bias and lack of health care coverage for services; and

WHEREAS, Franklin Township citizens can join together to create accepting climates in its workplaces, schools and community through innovative efforts to change attitudes, beliefs, and behaviors, thus building mental health-friendly places; and

WHEREAS, the public mental health system is dedicated to the promotion of mental health and self-determination, the reduction of stigma, discrimination and suicide, the promotion of prevention and early intervention, improved treatment outcomes and recovery in New Jersey;

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 MAY 2005 as “**Mental Health Awareness Month**” in the Township of Franklin and commend this observance to all its citizens.

May 24, 2005

/s/ Brian D. Levine, Mayor

Myasthenia Gravis Awareness Month

WHEREAS, Myasthenia Gravis is a neuromuscular disease striking children and adults, affecting control of voluntary muscles and afflicting several hundred of our fellow New Jerseyans; and

WHEREAS, the symptoms of this disorder include, but are not limited to, difficulty moving, breathing, swallowing, speaking and seeing; and

WHEREAS, the Myasthenia Gravis Foundation of America, Inc. is a non-profit organization founded. “to facilitate the timely diagnosis and optimal care of individuals affected by myasthenia gravis and closely related disorders, and to improve their lives through programs of patient services, public information, medical research, professional education, advocacy and patient care”; and

WHEREAS, Myasthenia Gravis is the most common neuromuscular disorder affecting the residents of New Jersey; and

WHEREAS, it is fitting to recognize the many physicians who demonstrate an untiring effort to treat this disease and search for a cure;

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 June 2005 as **MYASTHENIA GRAVIS AWARENESS MONTH** in the Township of Franklin.

May 24, 2005

/s/ Brian D. Levine, Mayor

Rotary 100th Anniversary

WHEREAS, Rotary International, founded on February 23, 1905 in Chicago, Illinois, is the world’s first and one of the largest non-profit service organizations; and

WHEREAS, there are over 1.2 million Rotary Club members comprised of professional and business leaders in over 31,000 clubs in more than 165 countries; and

WHEREAS, the Rotary motto “Service Above Self” inspires members to provide humanitarian service, encourage high ethical standards, and promote good will and peace in the world; and

WHEREAS, Rotary funds club projects and sponsors volunteers with community expertise to provide medical supplies, health care, clean water, food production, job training, and education to millions in need, particularly in developing countries; and

WHEREAS, Rotary in 1985 launched Polio Plus and spearheaded efforts with the World Health Organization, U.S. Centers for Disease Control and Prevention, and UNICEF to immunize the children of the world against polio; and

WHEREAS, polio cases have dropped by 99 percent since 1988 and the world stands on the threshold of eradicating the disease; and

WHEREAS, Rotary is the world's largest privately-funded source of international scholarships and promotes the international understanding through scholarships, exchange programs and humanitarian grants; and

WHEREAS, more than 35,000 students from 110 countries have studied abroad since 1947 as Rotary Ambassadorial Scholars; and

WHEREAS, Rotary's Group Study Exchange program has helped more than 46,000 young professionals explore their career fields in other countries; and

WHEREAS, 8,000 secondary-school students each year experience life in another country through Rotary's Youth Exchange Program;

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 congratulate **ROTARY INTERNATIONAL** on its 100th anniversary and encourage all citizens to join in recognizing Rotary International for 100 years of service to improving the human condition in local communities around the world.

May 24, 2005

/s/ Brian D. Levine, Mayor

Click It or Ticket

WHEREAS, there were 42,643 motor vehicle fatalities in the United States in 2004, and 747 motor vehicle fatalities in New Jersey in 2004; and

WHEREAS, more than half of the motor vehicle occupants killed in traffic crashes were not wearing a safety belt; and

WHEREAS, use of a safety belt remains the most effective way to avoid death or serious injury in a motor vehicle crash; and

WHEREAS, the Division of Highway Traffic safety estimates that more than 2,000 lives have been saved by safety belt use in New Jersey since 1985; and

WHEREAS, the State of New Jersey will participate in the nationwide *Click It or Ticket* safety belt mobilization from May 23 – June 5, 2005 in an effort to raise awareness and increase safety belt usage through a combination of enforcement and education; and

WHEREAS, the Division of Highway Traffic Safety has set a goal of increasing the safety belt usage rate in the state from the current level of 82% to 84%; and

WHEREAS, a further increase in safety belt usage in New Jersey will save lives on our roadways,

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 declare its support for the *CLICK IT OR TICKET* safety belt mobilization both locally and nationally from May 23 – June 5, 2005 and pledges to increase awareness of the mobilization and the benefits of safety belt use.

May 24, 2005

/s/ Brian D. Levine, Mayor

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.
- The Board of Education Budget was voted down. Council recommended \$500,000 in reductions. The Board of Education accepted Council's recommended amount of \$500,000 in reductions. It was not known if the Board of Education accepted the specific line items.
- The Municipal Building has new automatic doors. They are a result of Council's continuing effort to assist those with disabilities.
- Last week was the grand opening for Palace-At-Somerset on Davidson Avenue. In attendance were Ms. Eberle, Ms. Ritchie, Mr. Regan, Ms. Danile and Mayor Levine. This establishment will help add to Franklin's growing hospitality industry and work in conjunction with the hotels.
- In connection with the black bear that was relocated in Six Mile Run, it was reported that the State of New Jersey stated they would not inform residents where a bear is relocated. This may just have been a spokesperson and not the actual policy. Mr. Daly referred to his letter to the NJ Department of Environmental Protection and stated the problem is that the State does not have a consistent policy on bear relocation.

At this time, Mr. Chivukula arrived at 7:13 p.m.

- Acknowledged the passing of Rabbi Schussel, retired Rabbi of Temple Beth-El in Franklin Township.
- Memorial Day Parade is Monday, May 30 starting at the baseball field on New Brunswick Avenue and continuing towards DeMott Lane towards Amwell Road and ending at the Municipal Complex. All are invited to view.
- High School Graduation is June 8th. Congratulations to all graduates.
- Primary Election Day is Tuesday, June 7th. Good luck to all candidates.

DEPUTY MAYOR/COUNCIL REPORTS

Mr. Regan added to Mayor Levine's report regarding the Memorial Day Parade stating there would be a presentation of wreaths in honor of the veterans and a brief ceremony.

Mr. Regan gave his support to a Firefighters Memorial to be located by the schoolhouse here at the Municipal Complex.

Mr. Chivukula asked if the flags at the Veterans Memorial be placed in the proper sequence.

Deputy Mayor McKenzie reported that June is Somerset County Recycling Curb Hunger Month. He stated that during June orange bags would be placed on the recycling containers for food donations.

Ms. Danile reported that the corner of New Brunswick Road and Elizabeth Avenue is now open. She reported that the I287 Mobility Study Plan Meeting would be held on June 6, 2003 at 6:30 p.m. at the Municipal Complex. The plan closes on June 30th. She invited residents to attend to provide public input and hear the recommendations.

Mr. Chivukula presented citations to Vivian and Arthur McDoughal for their continued efforts in improving the quality of life on Hamilton Street in connection with the Little Children of God Preschool.

REVIEW OF THE PREPARED AGENDA

Mayor Levine led the following review of the prepared agenda:

- Ms. Danile asked if there were minutes approved since it is listed on the agenda. Township Clerk Ann Marie McCarthy replied that minutes would be scheduled on the June 14, 2005 agenda.
- Mr. Regan, in connection with Ordinance #3551 – Amending Chp. 127 Fees. – Body Art Establishment Fees, that the Land Use Committee review and provide recommendations to Council regarding changing the zoning ordinance to require variances for body art establishments to open.
- Mayor Levine announced that further consideration and public hearing for Ordinances #3550, #3551 and #3552 is scheduled for June 14, 2005 at 7:00 p.m. in the Municipal Complex. It was incorrectly listed on the agenda.
- Mayor Levine acknowledged Resolutions #05-237 and #05-238 as Council's efforts to provide park and playground equipment to the Kingston area.

APPROVAL OF WARRANTS

Mayor Levine presented the following warrants in the amount of \$2,599,242.83 for May 24, 2005 to the Township Council for payment:

1	Current	1,156,072.89
5	Water Operating	481,843.12
6	Water Capital	9,393.06
4	General Capital	46,904.57
15	Trust Others	20,418.88
21	Recreation Trust	3,380.89
12	Open Space Trust	4,780.65
2	Grant	9,400.36
26	Affordable Housing	365.48
3	Collector Trust	108,779.82
14	Dog Revenue	342.00
22	Payroll	615,010.60
13	Redevelopment Agency	6,306.81
	Sub-Total	2,462,999.13
25	Escrow Account	136,243.70
	Grand Total	2,599,242.83

Deputy Mayor McKenzie moved that warrants in the amount of \$2,599,242.83 for May 24, 2005 to be paid. 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	Chivukula			
Danile	Eberle			
Levine	McKenzie			
Regan	Ritchie			
Sumter				

ORDINANCES – PUBLIC HEARING

Ordinance No. 3546

Mayor Levine offered the following ordinance:

AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 226 - VEHICLES AND TRAFFIC, SECTION 226-20 – STOP INTERSECTIONS AND SECTION 226-30 (ON STREET HANDICAPPED PARKING SPACE).

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.

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

PUBLIC DISCUSSION

Mr. Regan moved to open the meeting for public discussion. Said motion was seconded by Mr. 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.

Margaret Donato, Oliver Street, asked for assistance in the matter of a zoning violation that has been occurring for at least one (1) year where there are mechanic garages in business in her neighborhood. She stated that these garages are 25 feet from homes and have desecrated the neighborhood. She stated that the property owner has failed to appear in court and that the

court appearance has been delayed until July. She stated that she had sent a letter to Council in January and it was never responded to.

Mr. Daly stated that six (6) summonses have been issued for zoning violations. He stated that this problem is not unique and is occurring on other properties in the Township. He reported that the Health Officer has issued a notice of violation also.

Lucretia Cortelyou, 1892 Amwell Road, spoke of her concerns regarding the skateboard park. She asked if it was needed and would it benefit the residents. She also asked about its liability and would it be supervised. Mr. Daly replied the skateboard park is only a part of Middlebush Park. He reviewed the costs associated with the skateboard park, noting it would cost \$250,000. He stated that Middlebush Park is also going to have playing fields and walking trails. He stated that park is in compliance with Municipal Joint Insurance Fund. He stated the skateboard park would not be supervised and it does not need to be repaved yearly.

Philip Kramer, 429 Canal Road, TUF, objected to Ms. Ashley-Williams' response to his question of the Financial Oversight Committee at the May 10th meeting. He stated that since she is not a member of the Committee she was out of order in responding to his question. He stated that he could yield his time to whomever he wishes.

Mr. Kramer stated that the document posted on TUF's website empowered the public and gave them the ability to make more intelligible arguments for and against the school budget. Mr. Kramer asked the Township Attorney what could be released of the Council's meeting packet. Mr. Rainone replied that most of what Council receives is public. He stated that staff reports are not disclosable.

Ed Kuhn, 15 Rolling Road, gave his support for a Firefighters Memorial.

Phyllis Beals, 6 Alma Court, asked what weight, if any, does a resolution from Council to the State Senate regarding Property Tax Reform Convention have when sent. She commended the Council's courage and wisdom in making reasonable cuts to the school budget. Mr. Rainone replied that the resolution is only an expression and/or endorsement of Council. It was noted that the resolution would be sent to the Township's State Senator and Acting Governor. Ms. Ashley-Williams urged residents to send individual letters of support of a Property Tax Reform Convention.

Russ Warner, 26 Bloomingdale Drive, asked how the sign ordinance is enforced and who is responsible for taking down illegal signs. He stated that there are many signs in violation of the sign ordinance on Easton Avenue and Hamilton Street. Mr. Daly replied that signs are removed by the Department of Public Works and the Zoning Inspector. He stated that the Township depends on citizen's complaints since they cannot drive the entire Township every day.

Jaime Skinner, Fire District #3, supported the Firefighter Memorial and expressed his appreciation that Council is being proactive.

Mr. Chivukula 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

Mr. Sumter wished everyone a happy and safe holiday.

Ms. Eberle brought up the Franklin Park Water Situation and stated that she has received many emails from those in the Zone of Involvement that cannot afford the house connection and well capping costs. She stated that Council has spoke of this matter and agreed to pay the costs and recoup the costs from the spill fund and contaminators. She requested that a proposed ordinance be drafted and scheduled for the next meeting.

Mr. Daly stated that these additional costs could be placed in a capital ordinance. He stated that the Engineering Department are finalizing the design and final costs of the project. He stated that Council needs to give staff direction of what costs to be included in the ordinance.

Ms. Eberle expressed her contentment that park and playground equipment is being purchased and installed at the Kingston playground.

Mr. Regan suggested that the Franklin Park Water house connection and well capping costs matter be placed as a discussion item on the June 14th agenda. He gave his support for a Firefighters Memorial. He commended the Township's volunteer firefighters for their dedication and commitment to the Township.

Ms. Ashley-Williams agreed with Ms. Eberle's statements regarding the Franklin Park Water Project. She supported that the matter be placed as a discussion item at the June 14th meeting. She thanked the Township Firefighters for their hardwork and dedication and supported a Firefighter Memorial. Ms. Ashley-Williams disagreed with Mr. Kramer's comments regarding the document being posted on the website empowering the residents. She stated that Township residents are intelligent and do their research on important matters. She stated she had received emails prior to the document being released. She stated that residents already had the information before the document was posted.

Ms. Danile expressed her appreciation to the Firefighters and supported the Memorial. She expressed her contentment that a resolution regarding property tax reform was drafted. She stated she brought this up in January. She agreed that the water situation should be a discussion item on June 14th. She stated that Mr. Daly was correct in stating that the skateboard park costs were \$250,000 supplemented by other funding. She stated that it would not have to be repaved annually. She expressed her hope that the skateboard park be used well and safely.

Mr. Chivukula stated he has been doing everything in his power at the State level regarding the Franklin Park water situation. He supported the Township in providing funding for house connections and well capping. He supported the Firefighter's Memorial and would work with Mr. Regan on some ideas for the memorial. He thanked everyone for their condolences regarding the passing of his brother.

Ms. Ritchie extended Council's sympathies to Mr. Chivukula and his family. She acknowledged that Mr. Chivukula is a great public servant. She agreed with Ms. Eberle's comments regarding the Franklin Park water situation and urged Council to take action soon. She asked that the Property Tax Reform Convention Resolution be sent to the Senate Minority Leader. She stated that the skateboard park is needed and is a beneficial investment to the Township. She stated that as liaison to the Neighborhood Preservation Program, she spoke with Ms. Donato regarding the zoning violations. She asked that the Courts be rigid in not canceling or delaying court appearances.

Deputy Mayor McKenzie commended the Fire Department for their efforts and hard work. He supported the Firefighter's Memorial. He supported the skateboard park. He agreed that in addition to the Property Tax Reform Convention Resolution, the impact would increase with individual letters from citizens. He agreed that the Franklin Park water situation needs to be addressed as soon as possible for the safety of the residents.

Ms. Sumter commended the Fire Department and supported the Firefighter's Memorial. He agreed that Council needs to do something as soon as possible in regards to the Franklin Park water situation. He supported the Property Tax Reform Convention resolution.

Mayor Levine supported the Franklin Park water project on the June 14th agenda. He expressed his concerns regarding costs for the skateboard park. He supported the Property Tax Reform Convention resolution. He supported the Firefighter's Memorial.

ORDINANCE INTRODUCTIONS

Ordinance No. 3550

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 44 PERSONNEL POLICIES - SECTION 44-12, RETIREMENT BENEFITS SECTION 44-12 G DISABILITY RETIREMENT MEDICAL HEALTH BENEFITS

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 June 14, 2005.

Mr. Chivukula moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on June 14, 2005. Said motion was seconded by Deputy Mayor McKenzie 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			
Danile	Eberle			
Levine	McKenzie			
Regan	Ritchie			
Sumter				

Ordinance No. 3551

Mayor Levine presented the following ordinance:

ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 127, CREATING A NEW ARTICLE IX, HEALTH DEPARTMENT FEES – SECTION 127-14 – BODY ART ESTABLISHMENT LICENSE FEES.

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 June 14, 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 June 14, 2005. 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	Chivukula			
Danile	Eberle			
Levine	McKenzie			
Regan	Ritchie			
Sumter				

Ordinance No. 3552

Mayor Levine presented the following ordinance:

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 47,

POLICE DEPARTMENT - SECTION 47-24, POLICE OUTSIDE WORK/SPECIAL POLICE SERVICES

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 June 14, 2005.

Mr. Chivukula moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on June 14, 2005. 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	Chivukula		
Eberle	Levine	Regan		
McKenzie	Ritchie			
Sumter				

CONSENT AGENDA ITEMS

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

Resolution #05-233 Discharge Rehabilitation Grant Mortgage Lien – Rapp – 543 Hamilton Street.

WHEREAS, the Township of Franklin holds a mortgage for Block 196, Lot 5, owned by Richard and Jennifer Rapp for premises located at 543 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 #05-234 Award Bid – Della Pello Paving Inc. – Street Resurfacing – Not to Exceed \$694,220.00.

WHEREAS, a notice to bidders for the receipt of bids for Street Resurfacing was published in the Courier News on March 31, 2005 and an addendum issued on April 18, 2005 for receipt on May 3, 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:

**Della Pello Paving Inc.
40 Milltown Road
Union, NJ 07083**

Street Resurfacing

Amount not to exceed \$694,220.00; 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 #05-235 Amend Original Contract – Outdoor Expressions – Snow Removal – Additional \$5,070.00.

WHEREAS, the Township of Franklin awarded a contract for snow removal to Outdoor Expressions on January 11, 2005 for an estimated amount of \$10,000.00; and

WHEREAS, an additional amount of \$5,070.00 is needed; 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

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

**OUTDOOR EXPRESSIONS LANDSCAPE & DESIGN INC.
22 Fordham Road
Somerset, NJ 08873
Two trucks @ \$110.00 per hour**

Total additional amount not to exceed \$5,070.00

BE IT FURTHER RESOLVED that the Mayor and the Township Clerk be and the same are hereby authorized to amend the contract with the above listed company.

Resolution #05-236 Award Professional Services Agreement – Orth-Rodgers Associates, Inc. – Development of Pavement Marking and Signing Plans for Hamilton Street – Not to Exceed \$10,500.00.

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

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

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

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

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

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

VENDOR NAME: ORTH-RODGERS ASSOCIATES INC.
ADDRESS: 810 Bear Tavern Road, Suite 307, West Trenton, NJ 08628
CONTRACT AMOUNT: Not to exceed \$10,500.00
SERVICE: Development of Pavement Markings & Signing Plans – Hamilton Street

Resolution #05-237 Award Purchase – Whirl Construction – Installation of playground equipment, railroad ties and mulch at Kingston School – Not to Exceed \$15,735.00.

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: Whirl Construction
PO Box 110/187 Main Street
Port Monmouth, NJ 07758

ITEMS: Installation of Playground Equipment, Railroad Ties & Mulch at Kingston School Location

COST: Not to exceed \$15,735.00

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 #05-238 Award State Contract – Gametime, c/o Marturano Recreation – Picnic Benches, picnic table and playground equipment at Kingston School – Not to Exceed \$51,947.00.

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

VENDOR: Gametime, c/o Marturano Recreation
 PO Box 449
 Brick Town, NJ 08723
 State Contract No. A59052

ITEMS: Picnic Benches & Table/Equipment – Kingston School Location

COST: \$51,947.00

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 #05-239 Award Extraordinary, Unspecifiable Service Contract – Summit Ad Group – Design of Marketing Material for Economic Development – Not to Exceed \$19,768.00.

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, 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 a "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: Summit Ad Group
ADDRESS: 1248 Route 22 West, Mountainside, NJ 07092
CONTRACT AMOUNT: \$19,768.00
SERVICE: Design of Marketing Material for Economic Development

Resolution #05-240 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>
34.10/59.01 C0203	Franklin Township Water Department	4/04 Senior Citizen Deduction	114.75
34.10/59.01 C0203	Franklin Township Sewerage Authority	4/04 Senior Citizen Deduction	135.25
37.02/5.04 C0414	Chicago Title Insurance Company 2446 Church Road 3 rd Floor Toms River, NJ 08753	3/05 Title & Mortgage Company Paid	1,315.82
424.02/17	Franklin Township Finance Department	1/05 In Lieu of Tax Payment	
467/1.01	Peter L. Davidson, LLC Attorney For Equistar Som. 22 Ball Street, 3 rd Floor Irvington, NJ 07111	3/05 Tax Appeal	8,550.51

Resolution #05-241 Reject Bids – Municipal Government Automation Software, DPW Asset Management – Insufficient Funds.

WHEREAS, bids were received and there are insufficient funds in the budget for the purchase of this software; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, Somerset County, New Jersey that the bids for the Municipal Government Automation Software, DPW, Asset Management be and they are hereby rejected.

Resolution #05-242 Extend Authorization of Payment of Capital Connection by Installments – Caribbean Palace.

WHEREAS, Lot 25 in Block 154, as shown on the Tax Map of the Township of Franklin, County of Somerset and State of New Jersey, is assessed to Caribbean Palace Investment; and

WHEREAS, Caribbean Palace Investment presently owes the Township of Franklin back capital connection fees for the above mentioned Lot; and

WHEREAS, Caribbean Palace Investment has proposed to pay the delinquent fee regarding Lot 25 in Block 154 by installment payments pursuant to NJSA 54:5-19; and

WHEREAS, the Franklin Township Council adopted Resolution #04-193 entitled, "Resolution Authorizing Payment of Capital Connection by Installments" on April 27, 2004 in connection with Caribbean Palace Investment's capital connection fees; and

WHEREAS, said proposal will require that Caribbean Palace Investment will pay the Township of Franklin \$500.00 per month commencing on April 1, 2006 and continuing on the first (1st) day of each succeeding month until the required amount is paid in full; and

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

WHEREAS, the Township of Franklin may issue a Tax Sale Certificate, conducting a tax sale and/or institute an In Rem Foreclosure proceeding regarding Lot 25 in Block 154, if tax and utility payments are not timely paid and/or monthly installment payment is not made when due;

NOW, THEREFORE, BE IT RESOLVED this 24th day of May, 2005 that the Township Council of the Township of Franklin, County of Somerset and State of New Jersey, that Caribbean Palace Investment may pay the fee regarding Lot 25 in Block 154, pursuant to NJSA 54:5-19, in accordance with the installment schedule set forth herein and subject to all conditions contained herein.

Resolution #05-243 Award Professional Services Contract – Schoor DePalma – Franklin Township COAH Fair Share Compliance Plan in an amount not to exceed \$40,000.00.

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

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

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

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

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

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

VENDOR NAME: **SCHOOR DEPALMA**
ADDRESS: **PO BOX 5192, Clinton, NJ 08809-0192**
CONTRACT AMOUNT: **Not to exceed \$40,000.00**
SERVICE: **Professional Planning Services – COAH Fair Share Compliance Plan**

Resolution #05-244 Reject Bids – Police Radio Maintenance – Did not meet minimum requirements as outlined in the specifications.

WHEREAS, a notice to bidders was published in the Courier News on March 31, 2005 for receipt April 14, 2005 and posted on the Township’s Website for the receipt of bids for:

- (a) Maintenance of the radios used by the police and fire prevention departments;
- (b) Maintenance of the radios that were previously used by the police, but subsequently ‘flashed’ for use by Construction, Engineering and Public Works; and

WHEREAS, one (1) bid was received and

- (a) The bidder does not meet the minimum requirements outlined in the specifications;
- (b) The bid is being abandoned. The radio parts will be purchased from the state contract and quotes will be solicited for hourly rates for installation and programming.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, Somerset County, New Jersey that the bid received for the Maintenance of Police Radios be and it is hereby rejected and the bid abandoned.

Resolution #05-245 Reject Bids – Kingston Pedestrian Access, Phase I – Discrepancy in bid opening times.

WHEREAS, two (2) bids were received and there was a discrepancy in the bid opening time; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, Somerset County, New Jersey that the bids for the Kingston Pedestrian Access, Phase I be and they are hereby rejected.

Resolution #05-246 Award State Contract – Motorola – Various Radio Parts for Police Department – Not to exceed \$22,009.20.

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

VENDOR: Motorola
 PO Box 2953
 Cherry Hill, NJ 08034
 State Contract No. A53804

ITEMS: Various Radio Parts – Police Department

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 #05-247 Authorize Person-to-Person Liquor License Transfer – From Swiss Properties – Somerset Hotel to Franklin Investment Limited Partnership – t/a Holiday Inn/Jersey Sports Bar/Alexander’s – License #1808-36-027-001.

WHEREAS, an application has been filed for a Person-to-Person Transfer of Hotel/Motel Exception License Number 1808-36-027-001, heretofore issued to Swiss Properties-Somerset Hotel for premises located at 250 Davidson Avenue, Somerset, NJ 08873; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the application has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the license business;

NOW, THEREFORE, BE IT RESOLVED that the Franklin Township Council does hereby approve, effective May 24, 2005, the person-to-person transfer of the aforesaid Hotel/Motel Exception License to Franklin Hotel Investment Limited Partnership, 250 Davidson Avenue, Somerset and does hereby direct the Township Clerk to endorse the license certificate to the new ownership as follows: “This license, subject to all its terms and conditions, is hereby transferred to Franklin Hotel Investment Limited Partnership, LLC, 250 Davidson Avenue, Somerset, effective May 24, 2005.”; and

Resolution #05-248 Authorize Insertion in Budget – Chapter 159 – FY2005 Public Health Priority Funding - \$14,488.00.

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 \$14,488.00 from the NJ Department Health & Senior Services – FY2005 Public Health Priority Funding 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 \$14,488.00 which is now available as revenue from: **NJ Department Health & Senior Services – FY2005 Public Health Priority Funding;**

BE IT FURTHER RESOLVED that a like sum of \$14,488.00, for NJ Department Health & Senior Services – FY2005 Public Health Priority Funding be and the same is hereby appropriated under the caption of: **NJ Department Health & Senior Services – FY2005 Public Health Priority Funding;**

BE IT FURTHER RESOLVED that the Township Clerk forward CERTIFICATION – GRANTS/ SPECIAL ITEM OF REVENUE AND APPROPRIATION endorsed by the Township Clerk and the Chief Financial Officer to the Director of Local Government Services.

Resolution #05-249 Authorize Tax Title Lien Redemptions – 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 10, 2003
Block/Lot:	195/6
Name & Address:	Remson, Darryl J. 507 Hamilton Street Somerset, NJ 08873
Amount:	\$48,691.19
Make Check Payable To:	Crusader Servicing Corp. 179 Washington Lane Jenkintown, PA 19046
Certificate No.:	03-122
Payment Received:	May 9, 2005
Date of Sale:	June 10, 2003
Block/Lot:	241.01/7

Name & Address: Aboagye, Alfred
 217 Highland Avenue
 Somerset, NJ 08873
Amount: \$24,216.38
Make Check Payable To: Almar
 2 Kiel Avenue #202
 Kinnelon, NJ 07405
Certificate No.: 03-148
Payment Received: May 6, 2005

Date of Sale: June 10, 2003
Block/Lot: 386.17/245
Name & Address: Saddler, Cecil
 245 McAuliffe Ct.
 Somerset, NJ 08873
Amount: \$1,640.75
Make Check Payable To: James C. Older
 87 East Mountain Road
 Hillsborough, NJ 08844
Certificate No.: 03-204
Payment Received: May 2, 2005

Date of Sale: June 8, 2004
Block/Lot: 155/19
Name & Address: Deonarine, D. & Ramcharit, L
Amount: \$10,930.32
Make Check Payable To: Sequoia Investments
 P.O. Box 5600
 Woodbridge, NJ 07095
Certificate No.: 040123
Payment Received: May 4, 2005

Date of Sale: June 13, 2002
Block/Lot: 288/13
Name & Address: Cruz, Dorothy C.
 33 Holly Street
 Somerset, NJ 08873
Amount: \$22,232.82
Make Check Payable To: Elliot Lieb Keogh Plan
 1 Lakeview Road
 Saratoga Springs, NY 12866
Certificate No.: 020136
Payment Received: May 4, 2005

Resolution #05-250 Support of a Property Tax Reform Convention.

WHEREAS, All political power is inherent in the people and government exists for the protection, security and benefit of the people; and

WHEREAS, The people of this State have reserved to themselves, as part of their intrinsic sovereignty, the right to alter or reform the State Constitution and the statutes when the public good may require it; and

WHEREAS, The current system of property taxation in this State is unfair because it is not based on the ability to pay and is applied in an inequitable and non-uniform manner; and

WHEREAS, There is a need to revise and amend the State Constitution and the statutes to lessen the dependence of local government on property taxes, reduce property taxes as a share of overall public revenue, and find alternative means of funding local government services; and

WHEREAS, The Legislature, when considering proposals for broad restructuring of revenue sources, recognizes that there is great political risk in making recommendations which the general public might perceive as increasing taxes; and

WHEREAS, It is, therefore, essential that the citizens of New Jersey are fully engaged in the effort to restructure taxes; and

WHEREAS, The most effective way to have maximum participation is a public vote on whether or not to proceed with a tax reform process and, if this question is approved, another vote by the public to ratify the recommendations for tax reform; and

WHEREAS, The convening of a special convention for the purpose of recommending amendments to the New Jersey Constitution and changes to the statutes is the most appropriate method for building a consensus for, and implementing, reform;

WHEREAS, the General Assembly approved A-5269, which would allow New Jersey citizens to decide whether or not they want a special property tax reform convention to recommend, for voter approval, changes that would reduce the State's chronic over-reliance on regressive property taxes; now, therefore, be it

RESOLVED, that the Township Council of the Township of Franklin does, hereby express its strong support for the convening of such a convention; and be it, further,

RESOLVED, that we do call upon our State Senator, Bob Smith, that he support, with voice and vote, legislation that would empower the people to express their will concerning the convening of such a convention; and be it, further,

RESOLVED, that copies of this Resolution be forwarded to Senator Bob Smith, Acting Governor Codey and to the New Jersey State League of Municipalities.

RESOLUTIONS TO BE CONSIDERED SEPARATELY

Mayor Levine presented the following resolutions to be considered separately:

Resolution #05-251 Authorize Discharge of Affordable Housing Mortgage – Kulu-Banya from Patel – 165 Columbus Drive, Franklin Park.

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 Block 20.10, Lot 11.02 C1701 – 165 Columbus Drive, Franklin Park 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 #05-252 Authorize Release of Planning 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: Soccer Center, Inc.
 ADDRESS: 300 Memorial Drive, Somerset, NJ 08873
 DOCKET NO. ZBA2002-0014
 BLOCK/LOT: 517.01/3.19-3.20
 LOCATION: 100 Memorial Drive
 AMOUNT DEPOSITED: \$3,750.00 <Schoor> \$1,250.00 <Ritchie>
 AMOUNT CHARGED: \$1,464.00 \$ 150.00
 AMOUNT TO BE REFUNDED: \$2,285.50 \$1,100.00

APPLICANT: Rudolph & Peter Bonelli
 ADDRESS: 1443 165th Street, Whitestone, NY 11357
 DOCKET NO. ZBA2001-0059
 BLOCK/LOT: 449.01/45-46
 LOCATION: 28 Culver Street
 AMOUNT DEPOSITED: \$1,050.00 <Schoor> \$300.00 <In-House>
 AMOUNT CHARGED: \$ 635.00 \$130.00
 AMOUNT TO BE REFUNDED: \$ 415.00 \$ 70.00

APPLICANT: Site Development
 ADDRESS: 1700 Horizon Way, Ste 200, Mt. Laurel, NJ 08054
 DOCKET NO. Z2000053UMS
 BLOCK/LOT: 468.07/46,47,48.01,49.02
 LOCATION: New Brunswick Road & Cedar Grove Lane
 AMOUNT DEPOSITED: \$12,500.00 <Schoor>
 AMOUNT CHARGED: \$ 4,691.53
 AMOUNT TO BE REFUNDED: \$ 7,898.47

APPLICANT: Woodrow Developers, Inc.
 ADDRESS: 428 Elizabeth Avenue, Somerset, NJ 08873
 DOCKET NO. PLN2004-0009
 BLOCK/LOT: 445/1
 LOCATION: 1400 Easton Avenue
 AMOUNT DEPOSITED: \$4,600.00 <Schoor> \$2,400.00 <Heyer>
 AMOUNT CHARGED: \$3,328.75 \$1,380.00
 AMOUNT TO BE REFUNDED: \$1,271.25 \$1,020.00

APPLICANT: Henderson 27, LLC
 ADDRESS: 4427 Spruce Street, Philadelphia, PA 19104
 DOCKET NO. PLN2003-0044
 BLOCK/LOT: 34.05/43
 LOCATION: 3151 Route 27
 AMOUNT DEPOSITED: \$4,000.00 <Schoor> \$2,000.00 <Heyer>
 AMOUNT CHARGED: \$1,530.00 \$1,335.00
 AMOUNT TO BE REFUNDED: \$2,470.00 \$ 665.00

APPLICANT: Route 27 Associates
 ADDRESS: C/o Lanfrit Tullio, 428 Elizabeth Ave., Somerset, NJ
 DOCKET NO. PLN2001-0006
 BLOCK/LOT: 37/3.02
 LOCATION: Rte. 27 & Cortelyou Lane
 AMOUNT DEPOSITED: \$10,000.00 <Schoor>
 AMOUNT CHARGED: \$ 6,252.31
 AMOUNT TO BE REFUNDED: \$ 3,747.69

APPLICANT: Praise Presbyterian Church
 ADDRESS: 15 Cedar Grove Lane, Somerset, NJ 08873
 DOCKET NO.
 BLOCK/LOT: 468.09/31
 LOCATION: 15 Cedar Grove Lane
 AMOUNT DEPOSITED: \$9,375.00 <Schoor> \$3,125.00 <Ritchie>
 AMOUNT CHARGED: \$6,782.75 \$ 925.00
 AMOUNT TO BE REFUNDED: \$2,592.25 \$2,200.00

APPLICANT: P&R Fasteners, Inc.
 ADDRESS: 325 Pierce Street, Somerset, NJ 08873
 DOCKET NO. PLN2003-0059
 BLOCK/LOT: 517.06/17.03
 LOCATION: 325 Pierce Street
 AMOUNT DEPOSITED: \$10,000.00 <Schoor> \$2,500.00 <Heyer>
 AMOUNT CHARGED: \$ 2,548.75 \$1,611.40
 AMOUNT TO BE REFUNDED: \$ 7,451.25 \$ 888.60

APPLICANT: Elwin Orton
 ADDRESS: 1500 Main Street, Millstone, NJ 08876
 DOCKET NO. P200004IMS
 BLOCK/LOT: 512/18,19&21
 LOCATION: Weston Road
 AMOUNT DEPOSITED: \$2,000.00 <Schoor>
 AMOUNT CHARGED: \$1,918.51
 AMOUNT TO BE REFUNDED: \$ 81.49

APPLICANT: Ed & Maureen Matson
 ADDRESS: 4 Nevins Court, Hillsborough, NJ 08844
 DOCKET NO. ZBA2002-0002
 BLOCK/LOT: 97/46
 LOCATION: 153 Delmonico Avenue
 AMOUNT DEPOSITED: \$1,300.00 <Schoor> \$800.00 <Heyer>
 AMOUNT CHARGED: \$ 743.00 \$520.00
 AMOUNT TO BE REFUNDED: \$ 557.00 \$280.00

APPLICANT: Lecalkon, aka Sterling Grove/Cali
 ADDRESS: The Sterling Properties Group, LLC
 600 S. Livingston Ave., Ste. 102, Livingston, NJ 07039
 DOCKET NO. P2000064P
 BLOCK/LOT: 423.01/14-15
 LOCATION: Cedar Grove Lane and Wilson Road
 AMOUNT DEPOSITED: \$6,000.00 <Schoor>
 AMOUNT CHARGED: \$5,967.63
 AMOUNT TO BE REFUNDED: \$ 32.37

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 Ms. Danile, seconded by Mr. Regan, the aforesaid resolutions were adopted as follows upon call of the roll:

AYES

Ashley-Williams
Danile
Levine
Regan

AYES

Chivukula
Eberle
McKenzie
Sumter

NAYS

ABSTAIN

Ritchie

ABSENT

ADJOURNMENT

Deputy Mayor McKenzie moved to adjourn the meeting at 8:35 p.m. Said motion was seconded by Mr. Regan and carried unanimously upon call of the roll.

Approved:

Brian D. Levine, Mayor

Date:

Ann Marie McCarthy, Township Clerk