

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 June 14, 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 Councilman Regan led the Invocation.

National Pause for the Pledge of Allegiance

Mayor Levine read the following proclamation:

WHEREAS, by Act of Congress of the United States dated June 14, 1777, the first official Flag of the United States was adopted; and

WHEREAS, by Act of Congress dated August 3, 1949, June 14 of each year was designated “**NATIONAL FLAG DAY**”; and

WHEREAS, the Congress has requested the President to issue annually a proclamation designating the week in which June 14 occurs as “**NATIONAL FLAG WEEK**”; and

WHEREAS, on December 8, 1982, The National Flag Day Foundation was chartered to conduct educational programs and to encourage all Americans to **PAUSE FOR THE PLEDGE OF ALLEGIANCE** as part of the celebration of National Flag Day throughout the nation; and

WHEREAS, by Act of Congress, dated June 20, 1985, Public Law 99-54 was passed to have the **PAUSE FOR THE PLEDGE OF ALLEGIANCE** as part of the celebration of National Flag Day throughout the nation; and

WHEREAS, Flag Day celebrates our nation’s symbol of unity, a democracy in a republic, and stands for our country’s devotion to freedom, to the rule of all, and to equal rights for all;

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 Tuesday, June 14, 2005 as Flag Day in the Township of Franklin and urge all citizens of the Township of Franklin to pause at 7:00 p.m. EDT on this date for the 26th annual **NATIONAL PAUSE FOR THE PLEDGE OF ALLEGIANCE TO THE FLAG** and join all Americans in reciting the Pledge of Allegiance to the Flag of the United States of America.

The Township Clerk called the roll.

Present: Ms. Ashley-Williams, Ms. Danile, Ms. Eberle, Mr. Levine, Mr. McKenzie, Mr. Regan, Ms. Ritchie, Mr. Sumter.

Absent: Mr. Chivukula

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

PROCLAMATIONS

Mayor Levine presented the following proclamation to Bill Major:

NJ Prostate Cancer Awareness Month

WHEREAS, the month of June is being officially recognized as New Jersey Prostate Cancer Awareness Month; and

WHEREAS, this year more than 7,900 men in the State of New Jersey will learn for the first time that they have prostate cancer; and

WHEREAS, over 1,000 men in the State of New Jersey will lose their lives to this devastating disease; and

WHEREAS, it is recognized that early detection of prostate cancer can save lives;

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 **NEW JERSEY PROSTATE CANCER AWARENESS MONTH** and do hereby urge all men and their families in the Township of Franklin to learn the facts about Prostate Cancer so that steps may be taken to eradicate this deadly disease.

Celebrate NJ

Mayor Levine read the following proclamation:

WHEREAS, since earliest times, New Jersey's shore line, pine barrens, mountains and valleys have been recognized as places of great beauty, rich in natural resources and an abundance of plant and animal species; and

WHEREAS, New Jersey was the "Crossroads of the American Revolution," having more encampments, skirmishes, headquarters, and impact on the civilian population than any other state, with Washington and his army fighting back and forth across the state for four long years, involving every village and hamlet in the state; and

WHEREAS, New Jersey's illustrious history and citizens have changed the nation and the world, including such "firsts and bests" as the first state to ratify the U.S. Bill of Rights, the first railroad charter in the U.S., the nation's first seaside resort, the first baseball game, two Tony Award-winning regional theaters, and the first college football game; and

WHEREAS, life saving health care innovations were invented in New Jersey including ether, penicillin, early chemotherapy, cortisone, streptomycin and antihypertensive drugs; and

WHEREAS, such life enhancing developments were invented in New Jersey such as the first sound motion picture, the first live TV transmission, the first long-distance direct dialing, the first touch-tone dialing, the first transatlantic fiber-optic cable, the first high-definition digital TV, the first bar code, the first production of safe, practical air conditioners of large spaces, the first electric light, the first phonograph, the first canned, condensed soups, the first mass produced, quick frozen vegetables, the first canned beer, the first glass company, and the first cloverleaf traffic intersection; and

WHEREAS, New Jersey's illustrious citizens include such greats as Thomas Edison, Walt Whitman, Frank Sinatra, President Woodrow Wilson, James Fennimore Cooper, Bruce Springsteen, Alice Paul, William Carlos Williams, Charles Lindbergh, Meryl Streep, Paul Robeson, Joyce Carol Oates, Susan Sarandon and Jackie Robinson; and

WHEREAS, New Jersey's strength is its highly educated work force, its diversity and the resilience, ingenuity, creativity and generosity of its citizens, and

WHEREAS, the Township of Franklin is known for its diversity, its historical significance, and its preservation of open space, farmland and historic landmarks;

NOW, THEREFORE, BE IT RESOLVED by the Township of Franklin that we declare June, 2005 as New Jersey's first annual **Celebrate New Jersey!** Month and direct all Township agencies and authorities to participate in showcasing all that makes our Township a great place to live and work.

MAYOR'S REPORT

Mayor Levine made the following report:

- Welcome to those attending and TV viewers.
- Thanked the FTTV-25 volunteers.
- Explained how the meeting is conducted for the benefit of audience and viewers.
- Announced that the last meeting in June is scheduled for Thursday, June 30, 2005 at 9:00 a.m. in the Senior Citizen/Community Center.
- Announced that there are only two (2) regular meetings scheduled in July and August – July 12th and August 9th.
- Primary Election was held last Tuesday. He congratulated those who won and those who did not win. He noted all candidates were participating in the democratic system and hopes they will stay involved. He urged all citizens to learn about their candidates and their positions between now and November and to cast their vote accordingly.
- He invited everyone to the Township's July 4th Independence Day Celebration to be held on Friday, July 1. He noted there would be food, fireworks and games for children.
- High School Graduation was held on June 8th and he congratulated all graduates.
- June 4th was the Major Group Foundation Awards Dinner at the Eternal Life Christian Center Education Building. HE thanked Mr. & Mrs. Major and Reverend Zollie Smith. He stated the dinner was in honor of those in the community who have given their all. He stated he was personally honored to be seated with the Sisters Network.
- Announced that the Dalai Lama will be at Rutgers Stadium on September 25th at 8:30 a.m. He will speak on "War, Peace and Reconciliation".
- Today is Flag Day – It is a grand old flag.

DEPUTY MAYOR REPORT

Deputy Mayor McKenzie added that there would be a Poster Contest held in conjunction with the 4th of July festivities to get the youth involved – "What the 4th of July means to me."

COUNCIL REPORTS

I-287 Mobility Plan

Ms. Danile made the following report:

“Since being assigned in January 2005 as one of two Council liaisons to the Steering Advisory Committee of the I-287 Mobility Plan, I have attended all scheduled meetings. The Steering Advisory Committee assigned me to the Smart Growth subcommittee of the I-287 Mobility Plan Study, where I had some input. What follows are highlights of the study:

- This study is a follow-up study to the I-287 Interchanges Planning Study.
- The study area covers the northern half of Franklin and most of Piscataway.
- The goal of the study is to get people to bicycle or take mass transit to reduce traffic.
- The Travel Demand Management Subcommittee found that business interest was very limited.
- There is a lack of meaningful financial interest.
- The most popular travel demand management options were flex-time, compressed work weeks and telecommuting.
- The strategy recommended by this Subcommittee is to increase transit and pedestrian options.
- The Transit Service Subcommittee noted a limited number of services and ridership due to the limited visibility, operating times and connecting services.
- The strategy recommended by this Subcommittee included modifications to existing shuttle services such as adding new shuttle services and modifying existing schedules.
- The Smart Growth Subcommittee noted that the study area is characterized by low density, single use development and that there is little connectivity within and between districts.
- The Subcommittee also notes that there is little emphasis on smart growth practices in township master plans and zoning codes.
- The strategies recommended by this Subcommittee include encouraging a greater mix of uses such as strategic in-fill of complimentary retail/restaurant/entertainment uses in office and industrial districts.
- The Subcommittee also recommended increased connectivity between districts as well as the creation of “Special Improvement Districts”.
- The Pedestrian/Bicycle Subcommittee noted that there are limited bicycle facilities such as sidewalks, paths and crossings.
- Their recommendations include a plan to amend municipal ordinances to require sidewalks as part of a site plan approval.
- The Way Finding/Signage Subcommittee found that there is a high concentration of crashes in the Exit 10 Interchange due to poor signs guiding motorists.
- The Subcommittee recommended removing unauthorized signs, revising signage and directing I-287 northbound motorists to access hotels via Exit 8 instead of Exit 9.
- The Intelligent Transportation Systems Subcommittee recommended new data collection efforts with the NJDOT Traffic Operations Center.

- The plan would be to extend closed circuit television and EZ Pass tag readers into the study area too. The technology senses EZ Pass and can tell how fast traffic is moving.

Please note that these are but major points of the study in summary form. The Steering Advisory Committee will issue its formal recommendations at the end of June.”

Parks and Recreation

Ms. Danile made the following report:

“Residents will note that the latest issue of our township newsletter, “The Franklin Times” devoted much of its space to the Parks and Recreation program. Information about the Department itself was provided as well as the schedule for summer programs. Residents wishing to sign up for recreation programs should refer to the newsletter. There is a program for everyone...youth, teens, adults and seniors.

Joyce Miller does an outstanding job of coordinating productions of this newsletter.

One most recent initiative for Parks and Recreation has been to identify an existing field that can be used for the enjoyment of the game of cricket. Last Wednesday evening, I joined Alice Osipowitz and three other members of the Board in search of an adaptable field. The plan is to use our current resources and expand the recreational use in the future.”

Land Use Committee

Ms. Ritchie gave the following report:

“Land Use and Open Space Committee met on May 31, 2005 and discussed the following items:

Property Transactions

Acquire

- Jackson. Committee recommends preparation of ordinance to authorize acquisition for open space. Township Manager to order appraisal as soon as Council authorizes preparation of the ordinance.
- Lake. Township Manager to order appraisal and bring back to Committee for further discussion on June 16.
- Canal Access. Committee wants more information on costs to acquire and construct and on who will maintain. Committee will discuss June 16.
- Dahmer Road. Committee agrees with Township Engineer recommendation not to accept.
- Leona Street. Committee wants more information on Green Acres status and about any variances. Committee will discuss June 16.

Acquire/Vacate/Swap

- West Point Avenue/Kuhn Street/Elizabeth Avenue. Committee wants more information on the previous subdivision granted on West Point Avenue and on wetlands near West Point Avenue. Committee will discuss on June 16.

Vacate

- Marshall Street. Land Use Committee referred to Public Works Committee for prioritization of paving this paper street.

Sell

- Delmonico Avenue. Committee will discuss more on June 16 in context of Fair Share Plan for Affordable Housing.

Use

- Old School House on DeMott Lane. Committee has requested Construction Official to provide guidance on code requirements for various proposed uses.

Release Deed Restriction

- 12 Carmen Street. Township Attorney will brief Township Council on this litigation in closed session.

Roads

- Weight Limits (impact on Claremont Road). Committee requested more information from Police on probability and timeline for weight limits on South Middlebush and Claremont. Committee will discuss June 16.
- No Parking Restrictions (Michelangelo Court). Committee recommends that Council respond that this request may not be granted because of the State's Residential Site Improvement Standards.

Zoning

- Body Art Establishments. Committee recommends that an ordinance be prepared to add the language "except body art establishments." This will require applicants for such businesses to go to Zoning Board for a variance, thus allowing neighbors to be informed in advance of such plans.

Affordable Housing

Fair Share Plan. Committee to meet with consultants preparing FSP on June 16.

- Growth Share and/or Developer's Fee Ordinance. As recommended by the Committee, the developer's fee ordinance is on the agenda for introduction on June 14. The only developments exempted from these fees will be affordable housing, one single family house, houses of worship and non-profits.

Fire Prevention Board

Mr. Regan reported that at the last Fire Prevention Board meeting, standing call out reports and grants were reviewed and discussed. He reported that the Memorial Day Parade was a success and thanked John Hauss for all his hard work.

Human Relations Commission

Ms. Ashley-Williams reported that the Human Relations Commission is planning a Day of Remembrance and Intercultural Event (Diversity Celebration) to be held on September 11th. Everyone in the Township would be invited. More information to follow at a later date.

REVIEW OF THE PREPARED AGENDA

Mayor Levine led the following review of the prepared agenda:

Ordinance #3547 – Amend Capital Ordinance #3511 – Purchase of 42 Taylor Drive to increase appropriation from \$132,100.00 to \$136,185.00.

Mr. Regan clarified that 42 Taylor Drive is an affordable housing unit.

Ordinance #3551 – Amend Code Chapter 127, Fees by adding fees for the licensing of body art establishments - \$300 for annual license and \$100 for required plan review.

Mr. Daly clarified that these fees as per State statute.

Ordinance #3553 – Amend Code chapter 236, Water, Article XI, Other Regulations, Add New Section 236-53.1, Fees to be waived when Health Officer declares a water emergency, effective April 28, 2004 (Well Abandonment Fees; Curb Connection Capital Fees; Curb Connection Tap Fees; Meter Charges).

Mr. Daly clarified that the aforesaid ordinance is in conjunction with commitment made by Council in April 2004 regarding waiving these fees for those in the Zoning of Involvement in the Franklin Park water contamination area.

Resolution #05-253 – Award Purchase – City Haulers Demolition – Demolition of 186 Churchill Avenue – Amount Not to Exceed \$14,200.00.

Mr. Daly stated that this house is blighted and an eyesore in the neighborhood. He stated that there is a lien on the property and the Township would get its money back when the house is sold.

Resolution #05-262 – Approval of 2005 CDBG Action Plan and 2005-2009 Consolidated Plan – Program 2005.

Mr. Regan reported that the Township received \$364,845 and it would be distributed as follows upon recommendation by the Financial Oversight Committee:

<u>AGENCY</u>	<u>PROJECT</u>	<u>AMOUNT</u>
<u>Public Services (15% Cap)</u>		
Family & Comm. Services	P/T Youth Counselor	14,630
FT Community Resources	After School Program	27,917
SCOAH	Housing Counseling	12,450
<u>Facility Improvements</u>		
FT Food Bank	Emergency Lights/Storage	4,341
Great Expectations	Site Improvements to Facility	50,000
Somerset Residence	Shower Stall Conversions	12,000
Franklin Township	Housing Rehabilitation	170,808
<u>Planning/Administration</u>		72,969
TOTAL		\$364,845

Resolution #05-265 – Award Contract – Underground Utilities Corp. – Easton Farms Drainage – Amount Not to Exceed \$1,848,609.70.

Ms. Danile explained that the reason some roads were not paved in this area was because they are awaiting completion of this project before they pave them. Ms. Ritchie stated that the need for this project goes back twenty (20) years and is glad it is finally moving forward.

Resolution #05-285 – Authorize Contract with Jersey Professional Management for preparing Shared Services Grant Application with Hillsborough and Montgomery Townships in an amount not to exceed \$400.00

Ms. Ashley-Williams asked why the aforesaid resolution was removed from the agenda. Mr. Daly explained it was not needed since the Township Manager has the authority to approve bills up to \$8,500.00.

DISCUSSION ITEM

Franklin Park Water – Connection and Capping Fees

The Township Council and Mr. Daly, Township Manager reviewed and discussed the following:

**FRANKLIN PARK WATER
PRELIMINARY PROJECT SPREADSHEET**

<u>Project Costs</u>		<u>Revenue</u>	
Main Install	785,000.00	Grants Received	
House Connects	<u>430,000.00</u>	DCA	190,000.00
Total	1,215,000.00	NJDEP (submitted)	150,000.00
		Bond Ordinance	150,000.00
		Connection Fees (see below)	387,121.05
		Connection Fees Waived	-387,121.05
		Total	490,000.00
		Estimated Bond Increase	725,000.00
		This depends on final approval of DEP main extension permit	
		Connection Fees	
		Capital Connection	1,302.29
		Tap Installation	1,893.98
		Meter	150.00
		Well Abandonment	20.00
		Total per home	3,366.27
		Total for 115 homes	387,121.05

Mr. Daly explained that the aforesaid costs are tentative costs, the Township Engineer is still finalizing costs. Mr. Daly explained the nearest example of this happening before was the sewer situation in Griggstown where the homeowners had to pay the connection fees. He stated the major difference was that the residents were the polluters in this situation and that is not the case in the Franklin Park water situation. He stated that the Township will make claims to the Spill Fund and go after the polluters.

Ms. Eberle stated she has received many emails regarding this situation and that residents cannot afford the costs. She stated she would appreciate it if the Township would pay the fees and go after the polluters for reimbursements.

Mayor Levine clarified the options Council has as follows: a) Do nothing; b) Township Pays; c) Township loans money to residents to pay back; and d) Residents pay.

A brief discussion ensued amongst Council members regarding the number of homes in the zone of involvement and how much it would cost for the Township to pay for these connection costs. Also discussed was the Township's intent to make claims against the Spill Fund to get reimbursed from the polluters who caused this situation.

Council also discussed proposed Ordinance #3553, Waiving the following fees when the Health Director has declared a water emergency: Well Abandonment Fees; Curb Connection Capital Fees; Curb Connection Tap Fees and Meter Charges. After a brief discussion, the following change was made to the proposed ordinance:

"In situations where the Health Officer declares a general water emergency, the following fees may be waived by resolution of the Township Council (effective April 28, 2004)"

After continued discussion, a motion was made by Ms. Eberle to direct the Township Manager to prepare a bond ordinance to include the connection costs of those in the zone of involvement to be paid by the Township. 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	Daniel	Levine		Chivukula
Eberle	McKenzie			
Regan	Ritchie			
Sumter				

APPROVAL OF MINUTES

Mayor Levine asked for a motion to approve the following minutes:

Regular Meetings: 04/12/05; 05/10/05; 05/24/05
 Special Meetings: 05/03/05; 05/17/05
 Executive Sessions: 04/12/05; 04/26/05 (amended); 05/03/05; 05/10/05

Deputy Mayor McKenzie moved the approval of the following minutes:

Regular Meetings: 04/12/05; 05/10/05; 05/24/05
 Special Meetings: 05/03/05; 05/17/05
 Executive Sessions: 04/12/05; 04/26/05 (amended); 05/03/05; 05/10/05

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

	<u>VOTE</u>
Ashley-Williams	Yes
Chivukula	Absent
Danile	Yes
Eberle	Yes
Levine	Yes
McKenzie	Yes
Regan	Yes (Abstained from 05/17/05 & Executive Session of 04/12/05)
Ritchie	Yes (Abstained from Executive Session of 04/12/05)
Sumter	Yes (Abstained from Special Meeting & Executive Session of 05/03/05)

APPROVAL OF WARRANTS

Mayor Levine presented the following warrants in the amount of \$3,518,170.26 for June 14, 2005 to the Township Council for payment:

1	Current	1,545,798.41
5	Water Operating	72,841.26
6	Water Capital	1,455.00
4	General Capital	194,434.00
15	Trust Others	473,869.36
18	Self Insurance Trust	5,815.50
21	Recreation Trust	13,606.38
12	Open Space Trust	35,364.63
2	Grant	54,123.20
17	Workers' Compensation	8,765.01
3	Collector Trust	112,398.56
14	Dog Revenue	511.13
22	Payroll	772,394.11
13	Redevelopment Agency	39.01
	Sub-Total	3,291,415.56
25	Escrow Account	226,754.70
	Grand Total	3,518,170.26

Ms. Danile moved that warrants in the amount of \$3,518,170.26 for June 14, 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			
McKenzie	Regan			
Ritchie	Sumter			

ORDINANCES – PUBLIC HEARING

Ordinance No. 3547

Mayor Levine offered the following ordinance:

CAPITAL ORDINANCE AMENDING AND SUPPLEMENTING CAPITAL ORDINANCE NUMBER 3511 HERETOFORE FINALLY ADOPTED BY THE FRANKLIN TOWNSHIP COUNCIL ON DECEMBER 14, 2004 ENTITLED, "CAPITAL ORDINANCE PROVIDING FOR THE ACQUISITION OF PROPERTY KNOWN AS BLOCK 34.01, LOT 16.02 C0347 LOCATED AT 42 TAYLOR DRIVE FRANKLIN PARK, IN AND BY THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$132,100 THEREFOR FROM THE AFFORDABLE HOUSING TRUST OF THE TOWNSHIP TO PAY THE COST THEREOF"; BY INCREASING THE APPROPRIATION FROM \$132,100.00 TO \$136,185.00.

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 Ms. Danile and carried unanimously upon call of the roll.

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

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

Deputy Mayor McKenzie moved the final passage of the ordinance and publication in accordance with law. 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			
McKenzie	Regan			
Ritchie	Sumter			

Ordinance No. 3548

Mayor Levine offered the following ordinance:

BOND ORDINANCE AMENDING AND SUPPLEMENTING BOND ORDINANCE NUMBER 3260 HERETOFORE FINALLY ADOPTED BY THE GOVERNING BODY OF THE TOWNSHIP OF FRANKLIN ON DECEMBER 11, 2001 ENTITLED, "BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO MIDDLEBUSH PARK, A LAWFUL PUBLIC PURPOSE, BY AND IN THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$250,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$237,500 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COSTS THEREOF," TO AMEND THE DESCRIPTION THEREIN AND TO INCREASE THE APPROPRIATION THEREIN BY \$153,625

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. Regan 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, Ms. Danile moved to close the public hearing on the ordinance. Said motion was seconded by Mr. Sumter and carried unanimously upon call of the roll.

Deputy Mayor McKenzie 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>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>

Ashley-Williams	Danile	Chivukula
Eberle	Levine	
McKenzie	Regan	
Ritchie	Sumter	

Ordinance No. 3549

Mayor Levine offered the following ordinance:

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN IN THE COUNTY OF SOMERSET AND STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 3, ADMINISTRATION – SECTION 3-4, MEETINGS OF THE TOWNSHIP COUNCIL – AGENDA AND STANDING COMMITTEES.

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. Regan and carried unanimously upon call of the roll.

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

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

Mr. Regan moved the final passage of the ordinance and publication in accordance with law. Said motion was seconded by Ms. Ritchie 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			
McKenzie	Regan			
Ritchie	Sumter			

Ordinance No. 3550

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

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 Ms. Danile and carried unanimously upon call of the roll.

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

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

Ms. Danile moved the final passage of the ordinance and publication in accordance with law. 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			
McKenzie	Regan			
Ritchie	Sumter			

Ordinance No. 3551

Mayor Levine offered the following ordinance:

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

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

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

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

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

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

Ordinance No. 3552

Mayor Levine offered the following ordinance:

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 47, POLICE DEPARTMENT - SECTION 47-24, POLICE OUTSIDE WORK/SPECIAL POLICE SERVICES

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.

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

Ms. Ashley-Williams moved the final passage of the ordinance and publication in accordance with law. 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			
McKenzie	Regan			
Ritchie	Sumter			

PUBLIC DISCUSSION

Ms. Danile 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.

Teddi DeVries, 244 Berger Street, expressed her contentment of the Channel 25 Bulletin Board item that emphasized businesses and mentioned affordable housing in connection with the Gateway Project. She stated this was a concept that worked well in Hopewell. She hoped that the Redevelopment Agency would develop standards in regards to facades, property designs, etc. She stated that it would be a great thing if a business that attracts youth be built in the area, such as indoor rock climbing, batting cages, etc.

Carol Peterson, 12 Lake Avenue, asked for a status of 6 Shirley Avenue. She noted there was increased activity recently and the odors have returned. She asked who bought it. Mr. Daly replied that it has been closed since November. The equipment has been sold and is being removed from the property. He was not aware that the property has been sold. Ms. Peterson stated that the garbage is all over the property. She requested an ordinance that would require businesses to have a working permit so that the Township and its residents know what is being used in the building.

Walter Howard, 148 Coddington Avenue, stated that since Council has released deed restrictions on three (3) properties, he would be re-submitting his request to release the deed restriction on 145 Delmonico Avenue. He stated his request is in connection with an affordable housing dwelling. Mr. Regan suggested this issue be addressed by the Land Use Committee.

Lucretia Cortelyou, 1892 Amwell Road, expressed her concerns regarding spending and the costs of the skate park. She stated that she asked four (4) questions and there were not fully answered at the last meeting.

Deputy Mayor McKenzie expressed his support of the skate park facility, noting that there are different recreational needs for different people and the Township needs to provide for all.

Mr. Regan clarified that the skate park is a facility within South Middlebush Park. He replied it is needed and is a benefit to the Township. He expressed his support of the skate park facility.

Ms. Danile expressed her support of the skate park facility and that it would aid in keeping the youth off the streets and out of trouble.

Mr. Daly replied that he did answer Ms. Cortelyou's questions regarding supervision at the last meeting. He stated that the total cost for the South Middlebush Park Improvements is \$250,000 plus the \$153,625 grant. In addition to the developer who would be providing two (2) playing fields.

Mayor Levine stated he would have preferred using this money on addressing the library issues in the Kingston and Little Rocky Hill areas.

Burnham Hobbs, Sr., 240 South Middlebush Road, asked for the address of Midco (garbage hauler) and recommended an ordinance be adopted to stop unsolicited mailings and newspapers. Mr. Daly replied he would contact him with Midco's address. Mr. Daly stated Council adopted an ordinance regarding unsolicited mailings and newspapers last year. He stated the Health Department enforces it. He stated that a resident needs to have a "No Solicitor's sign visibly on their property. If a solicitors fails to respect the sign, the Health Department would enforce the ordinance.

John Walker, 63 Claremont Road, thanked Council for their discussion of the Franklin Park water situation. Mr. Walker reviewed the number of homes that are included in the zone of involvement and whose connection costs would be paid for by the Township. He thanked Ms. Eberle and Ms. Ritchie for their support. He stated that it is time to move forward.

Bob Jensen, 26 Bennington Parkway, thanked Council for their support and Mr. Walker for all his work on the Franklin Park water situation.

Philip Kramer, 429 Canal Road, TUF, expressed his opinion that the library needs of the Little Rocky Hill area are more important than a domed roofed library. He expressed his appreciation of the discussion held this evening on the Franklin Park water situation. He asked why the wells need to be capped.

Randy Jones, Open Space Advisory Committee Chairman, thanked the Council members who attended the Open Space Tour. He expressed his support of John Loos, Open Space Consultant and commended Mr. Loos for all his work he has done in regards to open space. Ms. Danile thanked Mr. Jones and the Open Space Advisory Committee for their work on open space. Mr. Jones stated that Mr. Loos' expertise in open space saves the Township money in open space matters. Ms. Eberle commended the tour and noted Mr. Loos is an asset to the Township.

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 referenced Ordinance #3554 - Amend Development Ordinance, Code Chapter 112, Section 112.32.02, Development Fees for Affordable Housing. She noted she had some typographical corrections and gave them to the Township Clerk.

Ms. Danile stated that at the last Parks and Recreation meeting, a discussion was held regarding a user fee and supervision in regards to the skate park facility. She stated that at this time, no policy has been set. She announced that the Township has started its Street Resurfacing Project and it would take time for the Department of Public Works to complete it.

Mr. Daly stated that at the present time, no supervision regulations or user fees have been planned in connection to the skate park facility.

Ms. Ashley-Williams stated she attended the High School Graduation and congratulated all the graduates. She commended the Council's written reports, noting they provided important information to Council. She expressed her support of the skate park facility and noted she felt it benefits the community and provides an activity in the Township. She stated that they are addressing the library concerns of Little Rocky Hill and Kingston. She noted that the newsletter lists libraries in other towns that can be utilized by the Township. She recommended that John Loos, Open Space Consultant, provide Council with an open space financial status report. She reported that she would be attending the NAACP Annual Freedom Dinner where several Township residents would be honored. She wished everyone a Happy Father's Day and asked those fathers to reach out to those who do not have an important male figure in their life.

Mr. Regan reported that over 350 students graduated this year. He noted how proud he was that his daughter was one of those graduates. He stated that 96% of those who started together in Kindergarten, graduated this year. He noted they were the last to graduate in the old High School, since the new High School would be opening in September. He thanked Mr. Daly and his staff for their hard work in connection with the Memorial Day Parade.

Ms. Eberle commended the Open Space Tour. She commended John Loos, Open Space Consultant. She stated the skate park facility is needed for the children of the Township. She reported that she attended a business meeting with Economic Development staff and Mr. Daly and noted that wonderful people are interested in coming to the Township. She added that the Township's eco-tourism would bring in tourists to the Township.

Mr. Sumter recommended that Mr. Howard's request be revisited. He stated that he is glad that the Franklin Park water situation is moving forward. He expressed his support of the skate park facility.

Mr. Daly commended Mr. Walker for all of his work on the Franklin Park water situation. He replied to Mr. Kramer's question regarding capping the wells, stating that since they were contaminated the access to the wells needs to be cut off.

Deputy Mayor McKenzie agreed that a status report from the Open Space Consultant is a good idea and would be informative. He stated that he would be focusing some of his attention to obtaining a stadium for the new high school.

ORDINANCE INTRODUCTIONS

Ordinance No. 3553

Mayor Levine presented the following ordinance as amended:

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY MORE PARTICULARLY CHAPTER 236, WATER – ARTICLE XI, OTHER REGULATIONS, ADDING SECTION 236-53.1 – WAIVER OF FEES WHEN A GENERAL WATER EMERGENCY IS DECLARED.

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 30, 2005.

Mr. Regan moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on June 30, 2005 at 9:00 a.m. in the Senior Citizen/Community Center. 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			
McKenzie	Regan			
Ritchie	Sumter			

Ordinance No. 3554

Mayor Levine presented the following ordinance:

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, MOR PARTICULARLY CHAPTER 112, DEVELOPMENT – SECTION 112-32.02, DEVELOPMENT FEES FOR AFFORDABLE HOUSING.

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 July 12, 2005.

Mr. Regan moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on July 12, 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	Danile			Chivukula
Eberle	Levine			
McKenzie	Regan			
Ritchie	Sumter			

CONSENT AGENDA ITEMS

Upon motion by Ms. Danile, seconded by Mr. Sumter, the following consent agenda items were adopted as follows upon call of the roll:

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

Resolution #05-253 Award Purchase – City Haul Demolition – Demolition of 186 Churchill Avenue – Amount Not to Exceed \$14,200.

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: City Haulers Demolition
137 Broad Street
Eatontown, NJ 07724

ITEMS: Demolition of 186 Churchill Avenue
COST: Not to exceed \$14,200.00

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 #05-254 Award Professional Service Agreement – Land Surveying Services for Open Space Properties – DeMuro Associates & The Reynolds Group, Inc., in amount not to exceed \$90,000.00 – Omland Engineering Associates, Inc., in an amount not to exceed \$24,000.00.

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 in writing, a copy of which certification is attached hereto, that funds are available; and

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.

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

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

VENDOR: DEMURO ASSOCIATES
ADDRESS: 24 West Cliff Street Somerville, NJ 08876
SERVICE: Land Surveying Services for Open Space Lands for the period of June 1, 2005 through May 30, 2006.

VENDOR: THE REYNOLDS GROUP
ADDRESS: 626 North Thompson Street Raritan, NJ 08869
SERVICE: Land Surveying Services for Open Space Lands for the period of June 1, 2005 through May 30, 2006.

CONTRACT AMOUNT: *The two aforesaid contracts combined are not to exceed \$90,000.00*

VENDOR: OMLAND ENGINEERING ASSOCIATES
ADDRESS: 54 Horsehill Road Cedar Knolls, NJ 07922
SERVICE: Land Surveying Services for Open Space Lands for the period of June 1, 2005 through May 30, 2006.

CONTRACT AMOUNT: *Omland Engineering Associates' contract is not to exceed \$24,000.00*

Resolution #05-255 Authorize Release of Performance Guarantee – Praise Presbyterian Church – Block 468.01/Lot 21 – 15 Cedar Grove Lane – Site Improvements - \$183,203.04 – Subject to the completion of paving and striping of parking lot.

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

ITEM: Performance Bond

NAME OF APPLICANT: Praise Presbyterian Church
ADDRESS OF APPLICANT: 100 JFK Boulevard, Somerset, NJ 08873

NUMBER: Check #0062
INSURANCE CO./BANK: Bank of the West
IN THE AMOUNT OF: \$183,203.04

FOR: Site Improvements – Block 468.09/Lot 31 – 15 Cedar Grove Lane

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

WHEREAS, the Township Engineer, after inspection, recommends release of the aforesaid Performance Bond subject to the completion of paving and striping parking lot;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the aforesaid Performance Bond be released subject to the completion of paving and striping parking lot to the above named applicant.

Resolution #05-256 Authorize Purchase - Franklin Township Board of Education – Custodial Services for Recreation Basketball Programs 2004-05 – Amount Not to Exceed \$8,712.00.

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: Franklin Township Board of Education
1755 Amwell Road
Somerset, NJ 08873
ITEMS: Custodial Services for Recreation Basketball Programs 2004-05
COST: Not to exceed \$8,712.00

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 #05-257 Authorize Grant Application – Somerset County 2006 Municipal Alliance Grant Program - \$50,472.00 Grant - 25% cash match from Township (\$12,618.00) and 75% in-kind services (\$37,854.00). (Funding is used for Workshops; DARE; Edgemere Tutorial; Girls on the Run; Kid’s Café Tutorial; Project Graduation; Summer Camp).

WHEREAS, the County of Somerset has prepared a grant application which would provide \$50,472 to the Township of Franklin for the provision of municipal alliance activities for prevention of alcoholism and drug abuse in Township of Franklin; and

WHEREAS, Township of Franklin will secure a 75% match of 37,854 in in-kind services and a 25% cash match of \$21,330 will be raised by the Municipal Alliance Committee or provided by the municipality, and a copy of the proposed application is on file in the office of the Township Clerk;

NOW, THEREFORE, BE IT RESOLVED by the Township of Franklin Mayor and Council that it hereby authorizes the Mayor and Township Clerk to sign the original of this agreement.

Resolution #05-258 Authorize Grant Application – Somerset County Youth Services Commission Annual Grant - \$5,000.00. (Funding is used for Edgemere Enlightenment Center; ARISE Program; Parkside Kids Canteen Program; SGS Men to Boys Program; SGS Women to Girls Program).

BE IT AND IT IS HEREBY RESOLVED that the Township Council of the Township of Franklin, County of Somerset, State of New Jersey does hereby authorize the submission of a grant application to the Somerset Youth Service Commission Annual Grant Program to apply for funds for the following:

1. \$1,000 for the Edgemere Enlightenment Center
2. \$1,000 for the ARISE Program
3. \$1,000 for the Parkside Kids Canteen Program
4. \$1,000 for the SGS Men to Boys Program
5. \$1,000 for the SGS Women to Girls Program

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

Resolution #05-259 Authorize Grant Application – New Initiatives Grant Application - \$5,000.00. (Funding is used for teen sponsored events such as Cultural Diversity Event, Job Fair, Back to School Event, Youth & Family Forum, Safe Night and Youth Council Info Conference.)

BE IT AND IT IS HEREBY RESOLVED that the Township Council of the Township of Franklin, County of Somerset, State of New Jersey does hereby authorize the submission of a grant application to the Somerset Youth Service Commission New Initiative Grant Program to apply for funds in the amount of \$5,000 for the Franklin Township Youth Council to coordinate leadership, community service and social activities four youth and for teen sponsored events such as Cultural Diversity Event, Job Fair, Back to School Event, Youth & Family Forum, Safe Night and Youth Council Info Conference and does authorize the appropriate Township officials to execute these grant applications on its behalf.

Resolution #05-260 Authorize Grant Application – NJ Department of Community Affairs – Recreational Opportunities for Individuals with Disabilities (ROID) - \$10,000. (Funding will be used to continue their Inclusive Summer Camp.)

WHEREAS, the Township of Franklin, Somerset County desires to apply for and obtain a grant from the New Jersey Department of Community Affairs, for approximately \$10,000 State with \$ 2,000 local share for a total contract of \$12,000 in 2005 to continue to run the Inclusive Summer Camp, for regular and special education students.

BE IT THEREFORE RESOLVED,

1. that the Township of Franklin, Somerset County does hereby authorize the application for such a grant;
2. recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of the agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of such funds pursuant to the terms of said agreement the Township of Franklin and the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith.

Resolution #05-261 Authorize Grant Application – NJ Department of Law and Public Safety – Body Armor Replacement Fund Program – Amount determined following application. (Funding is used for lifesaving body armor for law enforcement officers.)

BE IT AND IT IS HEREBY RESOLVED that the Township Council of the Township of Franklin, County of Somerset, State of New Jersey does hereby authorize the submission of a grant application to the NJ Department of Law and Public Safety Body Armor Replacement Fund Program to apply for funds for the following:

For funding to purchase lifesaving body armor for law enforcement officers and does authorize the appropriate Township officials to execute these grant applications on its behalf.

Resolution #05-262 Approval of 2005 CDBG Action Plan and 2005-2009 Consolidated Plan – Program 2005. (The Action Plan outlines the 2005 CDBG allocations.)

WHEREAS, under Title I of the Housing and Community Development Act of 1974, as amended, the Secretary of Housing and Urban Development is authorized to extend financial assistance to communities for the elimination or prevention of slums or urban blight, or activities which will benefit low and moderate income families, or other urgent community development needs; and

WHEREAS, the U.S. Department of Housing and Urban Development has advised the Township of its willingness to provide a Fiscal Year 2005 Community Development Block Grant in the estimated amount of Three Hundred Sixty Four Thousand Eight Hundred Forty Five Dollars (\$364,845);

WHEREAS, the Township can budget a total of Three Hundred Sixty Four Thousand Eight Hundred Forty five Dollars (\$364,845) for eligible activities to Fiscal Year 2005;

WHEREAS, Public Hearings were held on January 25, 2005 and March 22, 2005 to provide citizen participation in the development of the Action Plan for HUD's Fiscal Year 2005 and the 2005-2009 Consolidated Plan;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Franklin that:

Section 1. The application for the Federal Fiscal Year 2005 Community Development Block Grant Program for Franklin Township is hereby in all respects approved.

Section 2. It is cognizant of the conditions that are imposed in the undertaking and carrying out of community development activities with Federal financial assistance under Title I, including those relating to (a) the relocation of site occupants; (b) the prohibition of discrimination because of race, creed, national origin or handicap and other assurances as set forth under the certifications.

Section 3. The Mayor of the Township of Franklin on behalf of the Township Council, is authorized to file an application for Three Hundred Sixty Four Thousand Eight Hundred Forty Five Dollars (\$364,845), which the U.S. Department of Housing and Urban Development has indicated it is willing to make available to carry out the Community Development Program, and act as authorized representative of the Township of Franklin.

Section 4. The Mayor of the Township of Franklin, on behalf of the Township Council, is hereby authorized to provide such assurances and/or certifications as are required by the Housing and Community Development Act of 1974, as amended, and also any supplemental or revised data which HUD may request in connection with the review of this application.

Resolution #05-263 Approve Grant Agreement Amendment – NJDEP Green Acres Project Amendment – Increasing Grant by \$600,000.00, the Township's 2005 allocation.

WHEREAS, the New Jersey Department of Environmental Program, Green Acres Program ("State"), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Township of Franklin Mayor and Council desires to further the public interest by obtaining a grant of \$2,850,000 from the State to fund the following project(s): Planning Incentive Grant;

NOW, THEREFORE, the Township Council of the Township of Franklin resolves that Brian D. Levine, Mayor or the successor of the office of Mayor is hereby authorized to:

- a) Make application for such a loan and/or such a grant
- b) Provide additional application information and furnish such documents as may be required
- c) Act as the authorized correspondent of the above named applicant, and

WHEREAS, the state shall determine if the application is complete and in conformance with the scope and intent of the green Acres Program, and notify the applicant of the amount of the funding award; and

WHEREAS, the applicant is willing to use the State's funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the State for the above named project;

NOW, THEREFORE, BE IT RESOLVED by the Franklin Township Mayor and Council

- (1) That the Mayor of the above named body or board is hereby authorized to execute an agreement and any amendment thereto with the State known as Planning Incentive Grant; and
- (2) That the applicant has its matching share of the project, if match is required, in the amount of \$600,000;
- (3) That, in the event the State's funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project, and
- (4) That applicant agrees to comply with all applicable federal, state, and local laws, rules and regulations in its performance of the project.
- (5) That this resolution shall take effect immediately.

Resolution #05-264 Authorize Insertion in Budget – Chapter 159 – USTA Tennis in the Parks Grant - \$1,000.00.

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

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

WHEREAS, the Township of Franklin in the County of Somerset, State of New Jersey will receive \$1,000.00 from the USTA Tennis in the Parks Grant 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 \$1,000.00, which is now available as revenue from: **USTA Tennis in the Parks Grant**.

BE IT FURTHER RESOLVED that a like sum of \$1,000.00, for USTA Tennis in the Parks Grant be and the same is hereby appropriated under the caption of: **USTA Tennis in the Parks Grant**.

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

Resolution #05-265 Award Contract – Underground Utilities Corp. – Easton Farms Drainage – Amount Not to Exceed \$1,848,609.70.

WHEREAS, a notice to bidders for the receipt of bids for Easton Farms Drainage was published in the Courier News on April 1, 2005, with three (3) addenda, of April 19, 2005, April 25, 2005 and April 28, 2005 for receipt on May 10, 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:

Underground Utilities Corporation
711 Commerce Road
Linden, New Jersey 07036

Amount not to exceed \$1,848,609.70; 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 #05-266 Extend Competitive Contract – Summit Ad Group – Design and Print Township Newsletter – August 1, 2005 to July 31, 2006 – Amount Not to Exceed \$34,000.00.

WHEREAS, a notice to bidders for the receipt of bids for the Design and Printing of the Franklin Township Newsletter was published in the Courier News on June 1, 2003 for receipt on July 1, 2003. The notice was also published on the Township website; and

WHEREAS, a contract was awarded to Summit Ad Group on August 12, 2003 for a period of one year (August 2003 to July 2004) for the amount of \$28,000.00 and extended on May 25, 2004 for the period of one year (August 2004 to July 2005); and

WHEREAS, in accordance with the original specifications and upon mutual agreement between the Township and vendor, said contract can be extended on an annual basis up to a maximum five years and this would be the third year; and

WHEREAS, the Township is very satisfied with the services received by Summit Ad Group and the vendor is willing to extend the contract at the same contract amount;

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

1. That the contract awarded by resolution adopted on August 12, 2003 awarding competitive bids for the Design and Print of Newsletter for the period August 2003 to July 2004 and extended on May 25, 2004 for the period of August 2004 to July 2005 be further extended for the period of August 2005 to July 2006 to:

Summit Ad Group
1248 Route 22
Mountainside, NJ 07092 ***in an amount not to exceed \$34,000.00***

3. 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;

4. 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.
5. That the Mayor and Township Clerk be and the same are hereby authorized to enter into a contract with the above listed company.
6. The Township Clerk shall publish notice of the award as required by law.

Resolution #05-267 Award Professional Service Agreement – Loos Consulting – Open Space Consultant – July 1, 2005 to June 30, 2006 – Amount Not to Exceed \$62,500.00.

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

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

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-5(m)) requires that the resolution authorizing the award of contracts for "EXTRAORDINARY UNSPECIFIABLE SERVICES" without competitive bids must be publicly advertised;

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

- (1) The Mayor and Township Clerk are hereby authorized and directed to execute the below referenced agreement with the below stated vendor, which agreement shall be maintained on file with the Township Clerk and available for public inspection.
- (2) This agreement is awarded without competitive bidding as 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: Loos Consulting
ADDRESS: 39 Fisher Drive
Franklin Park, NJ 08823
CONTRACT AMOUNT: \$62,500.00
SERVICE: Open Space Consulting Services

Resolution #05-268 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: Eastern Hills, LLC (Woodlands)
ADDRESS: 1065 Route 22 West, Bridgewater NJ 08807
DOCKET NO. P98005SP
BLOCK/LOT: 508.02/3
LOCATION: 16" Waterline on Cedar Grove Lane
AMOUNT DEPOSITED: \$8,750.00 <CME>
AMOUNT CHARGED: 4,239.00
AMOUNT TO BE REFUNDED: \$4,511.00

APPLICANT: Township of North Brunswick
ADDRESS: 710 Hermann Road, North Brunswick NJ 08902
DOCKET NO. ZBA2004-1117
BLOCK/LOT: 19/37-38
LOCATION: 782 Canal Road
AMOUNT DEPOSITED: \$1,950.00 <Schoor> \$750.00 <Heyer> \$300.00 <In-Hse>
AMOUNT CHARGED: 0.00 350.00 0.00
AMOUNT TO BE REFUNDED: \$1,950.00 \$400.00 \$300.00

APPLICANT: A Beverly Built Home Inc.
ADDRESS: 20 Walnut Avenue, Somerset, NJ 08873
DOCKET NO. PLN2004-0012
BLOCK/LOT: 171.01/166-177 & 190-196
LOCATION: Lillian Street/Kassul Place
AMOUNT DEPOSITED: \$3,161.00 <Schoor> \$1,600.00 <Heyer>
AMOUNT CHARGED: 2,830.00 1,390.00
AMOUNT TO BE REFUNDED: \$ 331.00 \$ 210.00

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the remaining escrow monies be returned to the above named applicant; and

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

Resolution #05-269 Authorize Release of Street Opening Surety and Deposit.

WHEREAS, the following have deposited Escrow Funds for Street Opening Permits; and

WHEREAS, notification has been received from the Department of Public Works stating

that all work has been completed in accordance with Standards of Ordinance No. 599;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset, New Jersey, that the Finance Officer is hereby authorized to release Street Opening Escrow Funds to the following:

<u>NAME/ADDRESS</u>	<u>PERMIT#</u>	<u>DEPOSIT/SURETY</u>
Raritan Valley Habitat for Humanity	6274	\$300/\$300
	6275	\$300/\$300
PO Box 6275	6276	\$300/\$300
Bridgewater, NJ 08807		

Resolution #05-270 Authorize Reduction of Performance Guarantee and 10% Surety – US Homes Corp. – Bennetts Village – Block 86.01/Lot 9.39 – Site Improvements – (Performance Bond – from \$1,057,861.88 to \$320,358.56 and 10% Surety – from \$118,651.32 to \$35,595.40)

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

ITEM: Performance Bond

NAME OF APPLICANT: US Home Corp. (Bennetts Village)
 ADDRESS OF APPLICANT: 800 West Main Street, Freehold, NJ 07728
 SITE PLAN DOCKET: P LN2001-0003
 NUMBER: 104184550
 INSURANCE CO./BANK: Travelers Casualty & Surety Co of America
 IN THE AMOUNT OF: \$1,067,861.88
 FOR: Site Improvements – Block 86.01/Lot 9.39 – Dahmer Road and Bennetts Lane

WHEREAS, the aforesaid applicant has requested a reduction of the aforesaid Performance Bond as follows:

AMOUNT OF REDUCTION: \$747,503.32
 REMAINING BALANCE: \$320,358.56

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

ITEM: 10% Surety

NAME OF APPLICANT: US Home Corp. (Bennetts Village)
 ADDRESS OF APPLICANT: 800 West Main Street, Freehold, NJ 07728
 SITE PLAN DOCKET: PLN2001-0003
 NUMBER: Check #52606
 INSURANCE CO./BANK: Bank One, NA
 IN THE AMOUNT OF: \$118,651.32
 FOR: Site Improvements – Block 86.01/Lot 9.39 – Dahmer Road and Bennetts Lane

WHEREAS, the aforesaid applicant has requested a reduction of the aforesaid 10% Surety as follows:

AMOUNT OF REDUCTION: \$83,055.92
 REMAINING BALANCE: \$35,595.40

WHEREAS, the Township Engineer, after inspection, recommends reduction of the aforesaid Performance Bond and 10% Surety;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the aforesaid **Performance Bond and 10% Surety be reduced to the above named applicant.**

Resolution #05-271 Authorize Raffle/Bingo Licenses.

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

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

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

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

<u>NAME OF ORGANIZATION</u>	<u>DATE OF RAFFLE/BINGO</u>
Somerset Hills Learning Center 182 Main Street, Gladstone, NJ Off-Premise Raffle – RL#1495 Drawing: The Palace at Somerset Park	October 28, 2005 11:00 pm
New Jersey Right to Life Committee 113 North Avenue West, Cranford, NJ Off-Premise Raffle – RL#1496 Drawing: Holiday Inn, Somerset	November 18, 2005 7:00 pm – 10:00 pm
Friends of McCarrick Care Center 15 Dellwood Lane, Somerset, NJ Off-Premise 50/50 – RL#1497 Drawing: 15 Dellwood Lane	September 10, 2005 2:00 pm

Resolution #05-272 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>
Various	Collector of Revenue	2/05 to 3/05 move 2005 overpayments to 2006	47,531.24
47/8	Citimortgage PO Box 9444	3/05 Mortgage Company and	1,279.70

Gaithersburg, MD 20892-9444

Title
Company
Paid

59.05/13	Washington Mutual 2210 Enterprise Drive Florence, SC 29501	3/05 Mortgage Company Paid Twice	2,792.78
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Resolution #05-273 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 10, 1999
Block/Lot: 287.02/41
Name & Address: Hoffman
 25 Arden Street
 Somerset NJ 08873
Amount: \$1,067.30
Make Check Payable To: Herbert Sehgel
 PO Box 284
 Kingston NJ 08528
Certificate No.: 99-195
Payment Received: May 27, 2005

Date of Sale: June 8, 2000
Block/Lot: 287.02/41
Name & Address: Hoffman
 25 Arden Street
 Somerset NJ 08873
Amount: \$39,820.78
Make Check Payable To: JNH Funding
 90 Dayton Avenue Bldg. 6C
 Passaic, NJ 07055
Certificate No.: 20-106
Payment Received: May 27, 2005

Date of Sale: June 13, 2002
Block/Lot: 386.11/98
Name & Address: Klinger, Marie
 8 Driftwood Drive
 Somerset, NJ 08873
Amount: \$17,454.33
Make Check Payable To: Wachovia Coll,Agt./Sass Muni IV
 123 South Broad Street, PA1328S
 Philadelphia, PA 19109
Certificate No.: 020162
Payment Received: May 20, 2005

Date of Sale: June 10, 2003
Block/Lot: 386.11/98
Name & Address: Klinger, Marie
 8 Driftwood Drive
 Somerset, NJ 08873
Amount: \$379.88
Make Check Payable To: Wachovia Coll,Agt./Sass Muni IV
 123 South Broad Street, PA1328S
 Philadelphia, PA 19109
Certificate No.: 03-200
Payment Received: May 20, 2005

Date of Sale: June 7, 2001
Block/Lot: 34.02/16.03 C2611
Name & Address: Patel, Manubhai & Vimlaben
 66 Fisher Drive
 Franklin Park, NJ 08823
Amount: \$2,055.45
Make Check Payable To: JN Properties
 175 Market Street, Suite 301
 Philadelphia, PA 19109
Certificate No.: 01-40
Payment Received: May 25, 2005

Date of Sale: June 10, 2003
Block/Lot: 34.02/16.03 C2611
Name & Address: Patel, Manubhai & Vimlaben
 66 Fisher Drive
 Franklin Park, NJ 08823
Amount: \$147.27
Make Check Payable To: JN Properties
 175 Market Street, Suite 301
 Philadelphia, PA 19109
Certificate No.: 03-017
Payment Received: May 25, 2005

Date of Sale: June 13, 2002
 June 8, 2004
Block/Lot: 184/11
Name & Address: Ski Automotive, Inc.
 383 Somerset Street
 Somerset, NJ 08873
Amount: \$29,881.55
 \$ 1,271.20
Make Check Payable To: American Tax Funding
 PO Box 862658
 Orlando, FL 32886-2658
Certificate No.: 02-0096
 040055
Payment Received: May 26, 2005

Date of Sale: June 7, 2001
Block/Lot: 514/8.03
Name & Address: Toys R Us
 1 Geoffrey Way
 Wayne, NJ 07470
Amount: \$8,302.88
Make Check Payable To: Crusader Servicing
 179 Washington Lane

Jenkintown, PA 19046
Certificate No.: 01-215
Payment Received: May 26, 2005

Date of Sale: June 8, 2004
Block/Lot: 87.02/1
Name & Address: Borzon, Nicholas B.
1496 Hamilton Street
Somerset, NJ 08873
Amount: \$833.05
Make Check Payable To: American Tax Funding
PO Box 862658
Orlando, FL 32886-2658

Certificate No.: 040031
Payment Received: May 17, 2005

Resolution #05-274 Authorize Release of Performance Guarantee & Maintenance Bond – Woodlands at Somerset, LLC – Block 508.02/Lot 3 – Installation of 32 Monuments – (Performance Bond - \$8,000.00 and Maintenance Bond - \$26,500.00)

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

ITEM: Performance Bond
NAME OF APPLICANT: Woodlands at Somerset, LLC
ADDRESS OF APPLICANT: 1065 Route 22 West, Bridgewater, NJ 08807
SITE PLAN DOCKET: P98005SP
NUMBER: 0371015
INSURANCE CO./BANK: International Fidelity Insurance Company
IN THE AMOUNT OF: \$8,000
FOR: Installation of 32 Monuments – Block 508.02/Lot 3 – Cedar Grove Lane (Stonehedge to Weston Road)

ITEM: Maintenance Bond
NAME OF APPLICANT: Eastern Hill, LLC (Woodlands at Somerset, LLC)
ADDRESS OF APPLICANT: 1065 Route 22 West, Bridgewater, NJ 08807
SITE PLAN DOCKET: P98005SP
NUMBER: UB-0271027
INSURANCE CO./BANK: Universal Bonding Insurance Company
IN THE AMOUNT OF: \$26,500
FOR: 2 Year Maintenance on 16" Water Line – Block 508.02/Lot 3 – Cedar Grove Lane (Stonehedge to Weston Road)

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

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

Resolution #05-275 Authorize Release of Performance Guarantee – Woodlands at Somerset, LLC – Block 423.01/Lot 17.01 – Cedar Grove and Wilson Roads - \$1,102,888.92 (subject to 2-year Maintenance Bond - \$165,433.34) and

Acceptance of Streets (Red Oak Court/Plum Tree Lane/Valleywood Drive/Karen Lane).

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

ITEM:	Performance Guarantee
NAME OF APPLICANT:	Woodlands At Somerset LLC
NUMBER:	0371014
INSURANCE CO./BANK:	International Fidelity Insurance Co.
IN THE AMOUNT OF:	\$1,102,888.92
FOR:	Remainder of Site Improvements – The Woodlands; and

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

WHEREAS, the Township Engineer, after inspection, recommends release of the aforesaid Performance Guarantee subject to receipt of a two (2) year Maintenance Bond in the amount of \$165,433.34; and

WHEREAS, in connection with the improvements required by said Performance Guarantee, the following described road or portion of roads have been dedicated to the Township:

RED OAK COURT

A 50 feet wide road beginning at its intersection with valley Wood Drive extending northeasterly a distance of approximately 450 feet to its terminus in a cul-de-sac.

PLUM TREE LANE

A 50 feet wide road beginning with its intersection with Weston Road and extending southwesterly and southerly, along its various courses, a distance of approximately 830 feet to its intersection with Valley Wood Drive.

VALLEY WOOD DRIVE

A 50 feet wide road beginning with its intersection with Weston Road and extending southwesterly, northwesterly, southwesterly and northwesterly, along its various courses, a distance of approximately 3,000 feet to its terminus in a cul-de-sac.

KAREN LANE

A 50 feet wide road beginning with its intersection with Weston Road and extending southwesterly, along its various courses, a distance of approximately 1,100 feet to its terminus.

The abovenamed roads as laid out on a certain map entitled, "Final Subdivision Plat, The Woodlands, Lot 3 Block 508.02, Franklin Township, Somerset County, New Jersey", prepared by Stires Associates, P.A., dated August 7, 2003 and filed in the Somerset County Clerk's Office on September 26, 2003 in Book 5469, Pages 1949-1950 as Instrument No. 2003122036.

WHEREAS, said roads or portion of roads have been duly inspected by the Township Engineer and the Director of Public Works and determined to be in conformity with applicable Township standards, and said persons have recommended acceptance of such roads or portion of roads as municipal roads;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the aforesaid Performance Guarantee be released to the above named applicant upon receipt of the aforesaid Maintenance Bond;

BE IT FURTHER RESOLVED that the Township Council of the Township of Franklin, Somerset County hereby accepts the dedication of the above listed roads or portion of roads as municipal roads open to the public as of the date of this resolution.

Resolution #05-276 Award Professional Service Agreement – Schoor DePalma – Engineering Design and Construction Inspection of the Pine Street Reconstruction Project – Amount Not to Exceed \$42,500.00.

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: **SCHOOR DEPALMA**
ADDRESS: **PO BOX 5192, Clinton, NJ 08809-0192**
CONTRACT AMOUNT: **Not to exceed \$42,500.00**
SERVICE: **Engineering Design & Construction Inspection of the Pine Street Reconstruction Project.**

Resolution #05-277 Authorize Renewal of 2005-06 Alcohol Beverage Control Licenses.

WHEREAS, applications have been received for thirteen (13) Plenary Retail Consumption Licenses, eight (8) Plenary Retail Consumption Licenses issued under the Hotel-Motel Exception, five (5) Plenary Retail Distribution Licenses, and three (3) Club Licenses; and

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

WHEREAS, the Health Officer, the Chief of Police and Fire Inspector have inspected the applicants' property and have approved them as per letters filed with the Township Clerk; and

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

WHEREAS, said applications have been examined by the Township Council and the Township Council finds that:

- (1) The submitted application forms are complete in all respects:
- (2) The applicants are qualified to be licensed according to all statutory, regulatory and Local Government Alcoholic Beverage Control Laws and Regulations;
- (3) The applicants have disclosed and the issuing authority has ascertained and reviewed the source of any additional financing obtained in the previous license term for use in the licensed business; and

with respect to Club Licenses:

- (1) The submitted applications are complete in all respects, including submission of the Club Member List;
- (2) The Officers and Directors of the Club are qualified according to all statutory, regulatory and Local Government Alcoholic Beverage Control Law and Regulations; and
- (3) The Clubs maintain all records required by NJAC 13:2-8.8 (Special Events Open to Non-Club Members) and NJAC 13:2-8.12 (true books of accounts for receipts and disbursements);

NOW, THEREFORE, BE IT RESOLVED this 24th day of June, 2004 by the Township Council of the Township of Franklin in the County of Somerset and State of New Jersey that the Township Clerk be and she is hereby instructed to issue thirteen (13) Plenary Retail Consumption License to the following:

1808-33-001-004	Carefree Entertainment Inc.	Inactive
1808-33-003-002	Cretan Bull Restaurant Corp.	t/a McAteers Restaurant 1714 Easton Avenue, Somerset, NJ 08873
1808-33-004-003	Fireside Corporation	t/a Hidden Lake Liquors & Lounge 2011 Route 27, Somerset, NJ 08873
1808-33-006-003	Charlie Browns of Franklin Inc.	t/a Charlie Brown's Steakhouse 4591 Route 27, Kingston, NJ 08528
1808-33-007-006	Franklin Town Pub & Liquor Inc.	t/a Halftime Pub 628 Hamilton Street, Somerset, NJ 08873
1808-33-009-002	Nelsons Bar/Liquors Inc.	Nelsons Bar & Liquors 1135 Easton Avenue, Somerset, NJ 08873

1808-33-010-002	O'Brien's Tavern	t/a O'Brien's Tavern 310 Elizabeth Avenue, Somerset NJ 08873
1808-33-011-002	O'Connors Colonial Farms Inc.	t/a O'Connor's Beef 'n' Chowder House 1719 Amwell Road, Somerset, NJ 08873
1808-33-014-003	DR Somerset Company	t/a Somerset Inn 507 Hamilton Street, Somerset, NJ 08873
1808-33-015-005	One Eleven Wines & Liquors Inc.	t/a Den, The/Sophie's Bistro 700 Hamilton Street, Somerset, NJ 08873
1808-33-016-007	The Palace @ Somerset Park LLC	t/a The Palace @ Somerset Park 345 Davidson Avenue, Somerset, NJ 08873
1808-33-017-007	Principessa LLC	t/a La Principessa Ristorante Bar & Catering 4437 Route 27, Suite 6, Princeton, NJ 08540
1808-33-033-004	WEL/WH Convention Center Mgrs	t/a Garden State Convention Center 50 Atrium Drive, Somerset, NJ 08873

BE IT FURTHER RESOLVED the Clerk is instructed to issue eight (8) Plenary Retail Consumption Licenses under the Hotel/Motel exception as follows:

1808-36-022-003	Equistar Somerset, Co., LLC	t/a Somerset Marriot Hotel 110 Davidson Avenue, Somerset, NJ 08873
1808-36-025-003	Weston Canal Realty LP	t/a Ramada Inn 60 Cottontail Lane, Somerset, NJ 08873
1808-36-026-005	DT Management Inc.	t/a Doubletree Hotel Somerset 200 Atrium Drive, Somerset, NJ 08873
1808-36-027-001	Swiss Properties-Somerset Hotel Corp.	t/a Holiday Inn/Jersey Sports/Alexanders 195 Davidson Avenue, Somerset, NJ 08873
1808-36-034-002	Madison Hospitality, LLC	t/a Clarion Suites 11 Cedar Grove Lane, Somerset, NJ 08873
1808-36-036-001	WNC Somerset Co., LLC	t/a Somerset Courtyard at Marriot 250 Davidson Avenue, Somerset, NJ 08873
1808-36-037-001	Toucan-Somerset LLC	t/a Toucan-Somerset LLC 1850 Easton Avenue, Somerset, NJ 08873
1808-36-038-001	Intercontinental Hotels Group Resources Inc.	t/a Staybridge Suites by Holiday Inn 260 Davidson Avenue, Somerset, NJ 08873

BE IT FURTHER RESOLVED that the Clerk is instructed to issue five (5) Plenary Retail Distribution Licenses to the following:

1808-44-005-006	Hiren Inc.	t/a Buy Rite Liquors 900 Easton Avenue, Suite 42, Somerset, NJ 08873
1808-44-008-004	UJAL Inc.	t/a Franklin Liquors 1199 Route 27, Somerset, NJ 08873

1808-44-012-003	Scarlett Knight Liquors Inc.	t/a Scarlett Knights Liquors 874 Hamilton Street, Somerset, NJ 08873
1808-44-013-011	Liquor King LLC	t/a Liquor King 3391 Hwy. 27, Franklin Park, NJ 08823
1808-44-032-007	A to Z Discount Auto Parts Inc.	t/a Cedar Grove Wine & Liquors 120 Cedar grove Lane, Unites T19-21, Somerset, NJ

BE IT FURTHER RESOLVED that the Clerk be instructed to issue three (3) Club Licenses to the following:

1808-31-020-001	Franklin Eagles A.C. Inc.	t/a Franklin Eagles A.C. Inc. 95 Ray Street, Somerset, NJ 08873
1808-31-023-002	Loyal Order Moose Lodge #1803	t/a Loyal Order Moose Lodge #1803 1300 Hamilton Street, Somerset NJ 08873
1808-31-031-001	Ten's Enough Inc.	t/a Ten's Enough 37 Pine Street, Somerset NJ 08873

Resolution #05-278 Award Professional Service Agreement – Hatch MacDonald – Engineering Design of the School Avenue Interconnect with New Brunswick Water and Booster Station Project – Amount Not to Exceed \$86,000.00.

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: HATCH MOTT MACDONALD
ADDRESS: 27 Bleeker Street, Millburn, NJ 07041
CONTRACT AMOUNT: Not to exceed \$86,000.00
SERVICE: Engineering Design of the School Avenue Interconnection with New Brunswick Water and Booster Station Project

Resolution #05-279 Award Professional Service Agreement – Hatch MacDonald – Preparation of Plans for Maintenance of System Operations with the Vliet Road Tank Out of Service – Not to Exceed \$15,000.00.

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: HATCH MOTT MACDONALD
ADDRESS: 27 Bleeker Street, Millburn, NJ 07041
CONTRACT AMOUNT: Not to exceed \$15,000.00
SERVICE: Engineering Services associated with the planned Vliet Road Tank service outage.

Resolution #05-280 Authorize FY2005 Budget Transfers

BE IT RESOLVED by the Township Council of the Township of Franklin in the County of Somerset and State of New Jersey, that the following transfers be made from the Fiscal Year 2005 Municipal Budget Appropriations:

<u>DEPARTMENT</u>	<u>FROM</u>	<u>TO</u>
Salary Adjustment, Salary & Wage	\$ 1,800.00	
Purchasing, Salary & Wage		\$ 1,800.00
Crossing Guards, Salary & Wage	\$ 4,000.00	
Police Clerical, Salary & Wage		\$ 4,000.00
Zoning Board, Salary & Wage	\$ 1,000.00	
Zoning Enforcement, Salary & Wage		\$ 1,000.00
Public Works Admin., Salary & Wage	\$ 4,000.00	
Streets and Roads, Salary & Wage		\$ 4,000.00
Salary Adjustment, Salary & Wage	\$ 8,400.00	
Human Resources, Salary & Wage		\$ 8,400.00

Resolution #05-281 Reject – Animal Shelter Bids – Exceeded Budget Amount.

WHEREAS, two (1) bids was received and it exceeded the proposed budget for the project; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, Somerset County, New Jersey that the bids for the Animal Shelter be and they are hereby rejected.

Resolution #05-282 Award Contract – Kingston Pedestrian Access Phase I – Diamond Construction – Amount Not to Exceed \$73,671.50.

WHEREAS, a notice to bidders for the receipt of bids for Kingston Pedestrian Access Phase I was published in the Courier News on May 20, 2005 for receipt on June 8, 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

Kingston Pedestrian Access Phase I

Amount not to exceed \$73,671.50; 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 #05-283 Authorize Waiver of Vendor Fees for Civic Organization Participating in the 4th of July Festivities on July 1, 2005.

BE IT RESOLVED by the Township Council of the Township of Franklin, Somerset County, New Jersey that it hereby authorizes the waiver of any fees normally required of vendors to sell food of other products for local civic organizations that volunteer to participated in the 4th of July Celebration to be held on Friday, July 1, 2005.

Resolution #05-284 Authorize Participation with Hillsborough and Montgomery Townships to apply for a SHARE grant to assist in studying, developing and implementing new shared and regional services.

WHEREAS, the Townships of Franklin, Hillsborough and Montgomery have agreed to apply for a SHARE (Sharing Available Resources Efficiently) Grant through the State of New Jersey Local SHARE Program in the amount of \$20,000.00; and

WHEREAS, the Township of Montgomery has agreed to be the lead agency in this program; and

WHEREAS, the State of New Jersey has made SHARE grants available to assist local units to study, develop and implement new shared and regional services; and

WHEREAS, the purpose of this grant is to promote shared services between our local units through the sharing of yard waste disposal that would be beneficial to the public safety of all local units;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, that the Township of Franklin does hereby join with the aforementioned municipalities in applying for a grant for the purpose of a feasibility study of such and endeavor; and

BE IT FURTHER RESOLVED that the Township of Franklin agrees to provide a portion of the required local matching funds in the amount of \$4,000.00 as its contribution to the study's cost.

Resolution #05-286 Authorize Contract Extension – Midco Waste – Trash Removal from Municipal Buildings – July 1, 2005 to June 30, 2006 – Amount not to exceed \$11,223.28.

BE IT AND IT IS HEREBY RESOLVED that the resolution adopted on June 28, 2001 awarding bids for the Removal of Trash from Municipal Buildings for the period July 1, 2001 to June 30, 2004 and was extended by resolution on April 22, 2003 and May 11, 2004:

**Midco Waste System
5 Industrial Drive
New Brunswick, NJ 08901**

be extended for the period July 1, 2005 to June 30, 2006 in an amount not to exceed \$11,223.28; 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 #05-287 Authorize Refund of Water Overpayments.

WHEREAS, there appears on the books of the Collector of Revenue water monies to be refunded as follows:

<u>BLOCK/LOT</u>	<u>NAME/ADDRESS</u>	<u>REASON</u>	<u>AMOUNT</u>
338/3	Collector of Revenue	Water Credit to Final Fee	\$13.68
324.19/8			\$25.00

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

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

Resolution #05-288 Authorize Reduction of Irrevocable Letter/Credit – Canal Walk Associates LLL – Site Improvements (No Entrance Gate) – Block 513/Lots 1-2, 4, 10-11, 12.01, 13.01 & 15 – Weston Canal Road & Schoolhouse Road/Weston Canal Road & Mettlers Lane - \$15,069.60 to \$4,520.88.

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

ITEM:	Irrevocable Letter/Credit
NAME OF APPLICANT:	Canal Walk Associates, LLC
ADDRESS OF APPLICANT:	820 Morris Turnpike, Short Hills, NJ 07078
SITE PLAN DOCKET:	P200006P
NUMBER:	703-SB
INSURANCE CO./BANK:	Union Center National Bank
IN THE AMOUNT OF:	\$15,069.60
FOR:	Site Improvements – No Entrance Gate - Block 513/Lots 1-2, 4, 10-11, 12.01, 13.01 & 15 – Weston Canal Road & Schoolhouse Road/Weston Canal Road & Mettlers Lane

WHEREAS, the Township Engineer, after inspection, recommends reduction of the aforesaid Irrevocable Letter/Credit ;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the aforesaid Performance Guarantee be reduced to \$4,520.88 to the above named applicant.

Resolution #05-289 Authorize Bond Release – Woodfield Estates/Woodfield Developers LLC – Placement of 61 concrete monuments and 68 survey pins – Block 11.01/Lot 10.01 – Bunker Hill Road and Route 27 - \$24,420.00.

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

ITEM: Performance Bond
 NAME OF APPLICANT: Woodfield Estates/Woodfield Developers LLC (formerly Calton @ Franklin)
 ADDRESS OF APPLICANT: 3546 State Highway 27
 Kendall Park, NJ 08824
 NUMBER: SD00036283
 INSURANCE CO./BANK: Frontier Insurance Company
 IN THE AMOUNT OF: \$24,420.00
 FOR: Placement of 61 Concrete Monuments & 68 Survey Pins at Block 11.01/Lot 10.01 – Bunker Hill Road & Route 27

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

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

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the aforesaid Performance Bond be released to the above named applicant.

Resolution #05-290 Authorize 3 Bond Releases – Princeton Highlands Developers – Placement and Installation of Monuments – Block 11.01/Lots 13 & 13.01 – South Bunker Hill Road and Route 27 - \$5,750.00/\$5,500.00/\$20,000.00.

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

ITEM: Performance Bonds
 NAME OF APPLICANT: Princeton Highlands Developers – Phase I
 ADDRESS OF APPLICANT: 3546 State Highway #27
 Kendall Park, NJ 08824

(1) NUMBER: 45024546
 INSURANCE CO./BANK: Greenwich Insurance Company
 IN THE AMOUNT OF: \$5,750.00
 FOR: Placement of 23 Monuments Block 11.01/Lot 13 – South Bunker Hill Road & Route 27

(2) NUMBER:
 INSURANCE CO./BANK: Union Center National Bank
 IN THE AMOUNT OF: \$5,500.00 (Cash)
 FOR: Installation of 22 Monuments Block 11.01/Lot 13.01 – South Bunker Hill Road & Route 27

(3) NUMBER: BE2617951
 INSURANCE CO./BANK: Gulf Insurance Company
 IN THE AMOUNT OF: \$20,000.00
 FOR: Total of 80 Monuments to be Installed - Block 11.01/Lot 13.01 – South Bunker Hill Road & Route 27

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

WHEREAS, the Township Engineer, after inspection, recommends release of the aforesaid Performance Bonds;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the aforesaid Performance Bonds be released to the above named applicant.

Resolution #05-291 Authorize Release of Performance Guarantee – Woodlands at Somerset LLC – Block 508.02/Lot 3 – Cedar Grove Lane and Weston Road – Off-site improvements – Weston Road – Water Line - curbing – paving - \$622,832.64.

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

ITEM:	Performance Guarantee
NAME OF APPLICANT:	Woodlands At Somerset LLC
NUMBER:	0358573
INSURANCE CO./BANK:	International Fidelity Insurance Co.
IN THE AMOUNT OF:	\$622,832.64
FOR:	Off-site Improvements – Weston Road – Water Line – Curbing-Paving; and

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

WHEREAS, the Township Engineer, after inspection, recommends release of the aforesaid Performance Guarantee subject to receipt of a two (2) year Maintenance Bond in the amount of \$93,424.90 and said maintenance bond is to include maintenance on canopy trees on Weston Road in compliance with Planning Board resolution; 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 Performance Guarantee be released to the above named applicant upon receipt of the aforesaid Maintenance Bond including maintenance on canopy trees on Weston Road in compliance with Planning Board resolution.

Resolution #05-292 Authorize Reduction of Irrevocable Letter/Credit – Canal Walk Associates LLC – Block 513/Lots 1, 2, 4, 10, 11, 12.01, 13.01 & 15 – Weston Road & Schoolhouse Road/Weston Canal & Mettlers – Site Improvements – From \$8,174.40 to \$2,452.32.

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

ITEM:	Irrevocable Letter/Credit
NAME OF APPLICANT:	Canal Walk Associates, LLC
ADDRESS OF APPLICANT:	820 Morris Turnpike, Short Hills, NJ 07078
SITE PLAN DOCKET:	P200006P
NUMBER:	703-SB
INSURANCE CO./BANK:	Union Center National Bank
IN THE AMOUNT OF:	\$8,174.40
FOR:	Site Improvements – No Entrance Gate - Block 513/Lots 1-2, 4, 10-11, 12.01, 13.01 & 15 – Weston Canal Road & Schoolhouse Road/Weston Canal Road & Mettlers Lane

WHEREAS, the Township Engineer, after inspection, recommends reduction of the aforesaid Irrevocable Letter/Credit ;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the aforesaid Performance Guarantee be reduced to \$2,452.32 to the above named applicant.

Resolution #05-293 Award State Contract – 40 Replacement Police Body Armor (Purchased through Grants) – Lawmen Supply Co. – Amount Not to Exceed \$29,408.

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: **LAWMEN SUPPLY COMPANY**
5521 White Horse Pike
Egg Harbor City, NJ 08215
State Contract No. A60529

ITEMS: 40 Replacement Police Body Armor

COST: \$29,408.00

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.

RESOLUTIONS TO BE CONSIDERED SEPARATELY

Mayor Levine presented the following resolutions to be considered separately:

Resolution #05-294 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:	Ten Mile Run Developers	
ADDRESS:	1301 South Middlebush Road	
	Franklin Park, NJ 08823	
DOCKET NO.	PLN2002-0025	
BLOCK/LOT:	20.02/12.02, 12.01 & 13.01	
LOCATION:	South Middlebush Road	
AMOUNT DEPOSITED:	\$1,500.00 <In-Hse>	\$1,000.00 <Ritchie>
AMOUNT CHARGED:	<u>1,040.00</u>	<u>625.00</u>
AMOUNT TO BE REFUNDED:	\$ 460.00	\$ 375.00

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 Ms. Danile, seconded by Ms. Ashley-Williams, 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	Danile		Ritchie	Chivukula
Eberle	Levine			
McKenzie	Regan			
Sumter				

EXECUTIVE SESSION

The following resolution was moved by Ms. Danile, seconded by Mr. Regan 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: *Potential Litigation – Zoning Matters.*
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 10:15 p.m. Deputy Mayor McKenzie moved to resume the meeting at 10:45 p.m. Said motion was seconded by Mr. Regan and carried unanimously upon voice vote.

ADJOURNMENT

Deputy Mayor McKenzie moved to adjourn the meeting at 10:45 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