

The Work Session/Regular Meeting of the Township Council of the Township of Franklin, County of Somerset, New Jersey, was called to order by the Mayor at 7:10p.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 October 25, 2005. In addition, a copy of this notice is and has been available to the public and is on file in the Office of the Municipal Clerk."

Everyone present participated in the Pledge of Allegiance and Councilwoman Danile led the Invocation.

The Township Clerk called the roll.

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

Absent: Mr. Regan

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

COMMENDATION

Mayor Levine presented the following commendation with Ms. Ashley-Williams:

WHEREAS, the community of the Township of Franklin desires to continue to promote and maintain a wholesome climate of human relations among the citizens, between groups, races, and among persons of varying economic status for the progress and general welfare of the total community; and

WHEREAS, the public policy is to respect the dignity of all and to provide genuine equality of opportunity as a recognizable fact which leads to the well-being of all; and

WHEREAS, for these reasons, we wish to continue a constructive approach to improving human relations for the community through understanding, communication and specific programs; and

WHEREAS, Civil Solution, a platinum sponsor, generously supported the "A Day to Remember – An InterCultural Celebration" held on September 11, 2005,

NOW, THEREFORE, BE IT RESOLVED that we, Brian D. Levine, Mayor of the Township of Franklin, and Councilwoman Wandra Ashley-Williams on behalf of the Township Council, do hereby commend and thank **CIVIL SOLUTIONS** for their generous sponsorship of "A Day to Remember-An InterCultural Celebration".

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 this was the last meeting before the election. He also announced that the next meeting would be held on Thursday, November 10th at 7:00 p.m. in Council Chambers.
- Announced that Standard & Poor's reviewed the Township's rating and changed it to "AA+".
- Announced that there is a Bear Awareness Seminar to be held on November 3, 2005 at 7:30 p.m. at the Senior Center.

DEPUTY MAYOR REPORT

Deputy Mayor McKenzie made the following report:

- Announce that the Flu Shot Clinic is scheduled for November 3rd from 9:30 am to 11:30 am at the Senior Center.
- Announced that absentee ballot applications must be mailed by Tuesday, November 1st.
- Announced that PSE&G is looking to increase their rates by six percent (6%).

COMMITTEE REPORTS

Finance Oversight Committee

Ms. Danile reported that the Finance Oversight Committee met last night and reviewed variations of the capital budget. They also discussed not doing assessments year to year.

REVIEW OF THE PREPARED AGENDA

Mayor Levine led the following review of the prepared agenda:

Ms. Ritchie questioned why Council was setting a date for a hearing for the Half Time Pub ABC Violations. Mr. Rainone reported that the licensee did not adhere to the settlement agreement and Council offered to hold the original hearing. A date needs to be determined.

Ms. Ritchie has various questions regarding the warrant list. After a brief discussion, it was the consensus of Council to hold the bill for reimbursement for aerobic certification until further information is received.

Ms. Ashley-Williams questioned why Resolution #05-454 – Block 264, Lots 10-13 and 14-19 – 20 Arlington Avenue was removed from the agenda. Mr. Day replied it was determined by the Zoning Officer and the Township Attorney that this action was not required.

Ms. Ritchie asked for clarification of Ordinance #3574 – Amend Development Ordinance, Schedule I/Permitted Uses and Schedule VI, Fee Schedule. MS. McCarthy stated that Schedule I/Permitted Uses was amended to correct an error. It removes footnote #2 from HBD Principal Use for Single and Two Family dwellings.

Deputy Mayor McKenzie asked for clarification of Ordinance #3575 – Amend Bond Ordinance #3247 – Library Expansion and Renovations. Mr. Daly explained that the ordinance is to include \$95,000 in grant monies received from the NJ Department of Community Affairs Livable Community Grant Programs 2004 and 2005.

After a brief discussion regarding Resolution #05-456 – Authorize Change Order #1 – Marino Paving Company – Amwell Road Bikeway – Amount Not to Exceed \$2,913.05, it was the consensus of Council to remove the resolution from the consent agenda until further explanation is given.

After a brief discussion regarding Resolution #05-460 – Approve Fire District #3 Salaries - \$7,002.00 each for Chairman, Treasurer, Clerk and Commissioners, it was the consensus of Council to remove the resolution from the consent agenda until further information is given.

Ms. Ritchie asked for clarification on Resolution #05-465 – Award Contract to Patrice Loehle for the Administration of CDBG and other Township grants. Mr. Daly explained that Ms. Loehle has previously administered the Township's CDBG Grants and will fill in for the Grants Coordinator while she is out.

Ms. Ritchie asked for the timetable for introducing and adopting the FY2006 Municipal Budget. Mr. Daly replied the municipal budget is to be introduced on November 10, 2005 and adopted on December 13, 2005.

Mr. Vassanella asked why the Advisory Board of Health appointment was not on the agenda. The appointment will be on the November 10th agenda.

DISCUSSION ITEMS

Presentation of Final Report: Municipal Assessment by Stony Brook-Millstone Watershed Association

Angela Clerico presented the Final Report of the Municipal Assessment by the Stony Brook-Millstone Watershed Association. The report is a general guide to current and future projects for Franklin Township that will connect goals with implementation and implementation with vision. Ms. Clerico reviewed the following strategies for achieving Franklin Township's goals by:

- Establishing Greenways
- Agricultural Viability
- Scenic Corridor Protection
- Natural Resources Protection
- Groundwater Protection
- Stormwater Management
- New Construction Practices
- Developing Vacant Lands
- Downtown Revitalization
- Traffic and Transportation
- Enforcing Local Ordinances
- Public Participation and Education
- Municipal Official Education

A copy of this report is on file in the Township Clerk's Office.

Set Hearing for Half Time Pub ABC Violations Hearing

Mr. Rainone gave a brief overview of the matter regarding Half Time Pub and their ABC violations. After a brief discussion, it was the consensus of Council to hold the hearing on Tuesday, November 29, 2005 at 7:00 p.m. in Council Chambers.

APPROVAL OF WARRANTS

Mayor Levine presented the following warrants in the amount of \$7,530,098.57 for October 25, 2005 to the Township Council for payment:

1	Current	6,237,230.74
5	Water Operating	567,209.96
6	Water Capital	390.00
4	General Capital	242,423.85
15	Trust Others	4,194.00
18	Self Insurance Trust	3,557.99
21	Recreation Trust	299.37
12	Open Space Trust	49,711.76
2	Grant	71,883.24
17	Workers' Compensation	
26	Affordable Housing	
3	Collector Trust	1,083.41
14	Dog Revenue	
30	Payroll Agency	236,120.53

13	Redevelopment Agency	
	Sub-Total	7,414,104.85
25	Escrow Account	116143.72
	Grand Total	7530098.57

Deputy Mayor McKenzie moved that warrants, as amended, in the amount of \$ for October 25, 2005 to be paid. Said motion was seconded by Mr. Sumter and carried as follows upon call of the roll:

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

ORDINANCE – PUBLIC HEARING & ADOPTION

Ordinance No. 3571

Mayor Levine offered the following ordinance:

AN ORDINANCE AUTHORIZING THE LEASE OF CERTAIN PREMISES OWNED BY THE TOWNSHIP OF FRANKLIN IN THE COUNTY OF SOMERSET AND STATE OF NEW JERSEY, TO LAWRENCE TERHUNE FOR AGRICULTURAL/ HORTICULTURAL PURPOSES

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, 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 Mr. Sumter and carried as follows upon call of the roll:

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

PUBLIC HEARING – REQUEST FOR RELEASE OF DEED RESTRICTION

Resolution #05-453 Approve Request for Release of Deed Restriction on Block 97, Lot 42 (145 Delmonico Avenue).

WHEREAS, on September 23, 1986 by resolution, the Franklin Township Council imposed as a condition on the conveyance of property known as Block 97, Lot42 that “No dwelling or similar structure shall be erected on the described premises unless said premises are combined with adjoining premises to form a parcel conforming in all respects to the Municipal Zoning Ordinance. This covenant shall run with the land and be binding upon the grantee, his heirs, executors, administrators and assigns.”; and

WHEREAS, application has been made by Walter Howard, property owner for a release of said deed restriction based upon the following:

1. The subject lot is located at 145 Delmonico Avenue in the R-10 zone;
2. The property owner received a hardship variance on August 7, 2003 from the Board of Adjustment with the intention to construct a single-family home;
3. The subject property is under contract for ownership with the Raritan Valley Habitat for Humanities organization and upon release of the deed restriction, the organization will construct an affordable house for a low-income family.

WHEREAS, pursuant to N.J.S.A. 40:60-51.2, “Any municipality is authorized and empowered, by resolution of the governing body thereof, to waive, release, modify or subordinate any terms, covenants, conditions, limitations or reverters imposed in sales and conveyances of lands as to the erection, alteration or demolition of buildings or any other use to be made of land heretofore imposed by said municipality to accomplish the purposes for which such lands were sold and conveyed either at public or private sale made prior to January 1, 1990, but only after public hearing held before such governing body, of the holding of which notice describing the lands in question, and the terms, covenants, conditions, limitations or reverters to be waived, released, modified or subordinated, and, if to be modified or subordinated, describing the manner in which the same shall be modified or subordinated, shall first have been given by advertisement published once each week for two weeks in a newspaper published in said municipality or, if no newspaper be published therein, then in a newspaper circulating in such municipality, provided, however, that the power herein granted shall not be exercised to impair any vested or contractual rights of third parties.”

WHEREAS, notice in accordance with N.J.S.A. 40:60-51.1 has been duly given; and

WHEREAS, the Township Council held a public hearing on October 25, 2005 and no person appeared in opposition thereto;

NOW, THEREFORE, BE IT RESOLVED, on this 25th day of October, 2005 by the Township Council of the Township of Franklin, County of Somerset, State of New Jersey that the Mayor and Clerk be and the same are hereby authorized and directed to execute a deed releasing the aforesaid premises from the provisions of said covenant subject to the following conditions:

1. Walter Howard, property owner, must donate said property to the Raritan Valley Habitat for Humanities Organization.
2. The dwelling to be constructed on said property will be an affordable unit per COAH standards.

Ms. Ritchie gave a brief history of the property and noted that Mr. Howard agreed to donate the land to Habitat for Humanity and the unit will be a designated affordable housing unit. She noted that this is the recommendation of the Land Use Committee.

Ms. Ashley-Williams stated that this matter has been before the Council many times. She asked what makes it different this time. Mr. Daly replied that there will be a deed restriction placed on it stating that the unit has to remain an affordable housing unit.

Mayor Levine presented the aforesaid resolution. 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 resolution. 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 resolution. 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 resolution. Said motion was seconded by Ms. Eberle and carried unanimously upon call of the roll.

Deputy Mayor McKenzie moved the passage of the resolution in accordance with law. Said motion was seconded by Mr. Sumter and carried as follows upon call of the roll:

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

PUBLIC DISCUSSION

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

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

Rozalyn Sherman, 529 Rosecliff Court, thanked Ms Danile for her presentation and public service to the Township. She expressed her dislike of accusations and misinterpretations of the presentation.

Philip Kramer, 429 Canal Road, TUF presented his interpretation of Ms. Danile's presentation.

Chip Hoever, 9 Stallion Court, stated that there are fourteen (14) municipalities in the area that offer televised candidate debates. He noted that Edison does not support televised debates. He reimbursed the Township for the postage for TUF OPRA request.

Adam Beder, 111 McGuffy Road, thanked Ms. Danile for her presentation. He expressed his dislike of the personal attacks and he stated that the tax problems cannot be solved at the municipal level, they have to be solved at the state level.

Alex Mansaray, 28 Coventry Lane, disagreed and was disturbed by the many personal attacks made at Council meetings especially those directed at Ms. Ritchie and Ms. Sumter. He stated that a political debate should be held at the high school auditorium.

John Clyde, 18 Sweetbriar Road, spoke of his disconcert regarding the personal attacks directed at Ms. Danile. He suggested that one should look at the history of massive revaluations that have been done in the township. He gave his support of Ms. Danile.

Grace Evans, 38 Crown Road, thanked Ms. Danile for her courage and determination to take on the tax issue. She gave her support of Ms. Danile and her presentation, noting that her questions regarding tax assessment, methods and system were answered.

Harold Leventhal, 360 DeMott Lane, thanked the Council and Township Manager for the senior affordable housing units. He expressed his dislike for the many negative things said at meetings. He commended Ms. Danile for her courage. He gave his support of Ms. Ritchie.

Russell Warner, 26 Bloomfield Avenue, thanked Upendra Chivukula for his service to the Township and gave his support of Mr. Vassanella.

Courtney Throckmorton, 591 Somerset Street, expressed his opposition and dislike of Mr. Sumter. He expressed his opposition to eminent domain. He wished the candidates well.

Doris Bennett, 62 Bennetts Lane, spoke of preserving historical trees and commended the Planning Board. She asked why the taxpayers have to pay for removing improperly placed political signs by the DPW. She asked why Mr. Sumter is not familiar with the current sign ordinance.

Brian St. Rose, 45 Bayard Avenue, asked if there was a time limit for signs to be taken down after the event. Mr. Daly replied that signs should be taken down soon after the event is over. In response to questions posed by Mr. St. Rose, Mr. Daly replied that the Township amended the redevelopment area and Mr. St. Rose's block is not subject to eminent domain. Mr. St. Rose asked why there has not been any paving on the southside of the Township. Mr. Daly replied that there was a road survey conducted and the Public Works Committee is reviewing the Township Engineer's recommendations. The roads were prioritized. He stated that the survey is available in his office.

Joseph Melik, 4304 Avery Court, spoke of his support of televised debates and expressed his disappointment that they did not happen. He stated that it was unacceptable not to second a motion and that a vote was not taken. He asked for clarification of Bond Ordinance #3576.

Raymond Betterbid, 4 Denbigh Drive, commended Council on the great job done and gave supportive comments to Ms. Ritchie and Ms. Danile.

Lucretia Cortelyou, 1892 Amwell Road, stated that Ms. Danile did not follow agenda procedures. She stated that a 20-minute presentation should have been on the agenda.

Robert Mettler, 2303 Amwell Road, candidate for the Third Ward, spoke of a Board of Adjustment application regarding Easton Development on Weston Road. He asked for Ms. Ritchie's opinion on the application. He expressed his reservations of the application.

Margaret Garback, 46 Bennetts Lane, spoke on eminent domain.

Upon motion by Deputy Mayor McKenzie, seconded by Ms. Ritchie, the public discussion portion of the meeting was closed unanimously upon voice vote.

COUNCIL COMMENTS

Deputy Mayor McKenzie addressed statements made by republican candidates and other members of the public.

Ms. Ritchie stated that she has not heard the Board of Adjustment application presentation. She did not feel it was appropriate for her to comment at this time.

Mr. Vassanella stated that he found the tax information interesting. He appreciated the presentation and feels there is a happy medium for open dialogue. He stated that he will

continue to address the needs of the Township's senior citizens. He stated that he would continue to look into what roads need to be resurfaced and repaired.

Ms. Danile clarified her presentation and background. She stated her motivation is to see the Township move forward and progress successfully. She thanked all the speakers for their moving and appreciative comments.

Ms. Ashley-Williams spoke of the deaths of three civil rights leaders – C. Dolores Tucker; Donald Tucker and Rosa Parks. She reminded everyone that absentee ballot applications need to be mailed by November 1st. She stated that Council is elected by the voters to represent and serve the township. She stated that she would not second a motion she feels does not warrant a second. She stated that people need to respect one another. She spoke of eminent domain and suggested that a one-day session be conducted to clarify the process so that everyone fully understands that it is not to take land for private and commercial purposes, it is to help redevelop the area.

Ms. Eberle reported that she attended a Freeholder meeting where the Township received a recycling reimbursement check. She expressed her support of finding another way than to place towers in Ward 1.

Mr. Sumter spoke against Mr. Throckmorton's comments. He stated that he is here to help people in his ward.

Mayor Levine addressed some of the negative comments made during the public discussion portion of the meeting.

ORDINANCE INTRODUCTION

Ordinance No. 3574

Mayor Levine presented the following ordinance:

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, SOMERSET COUNTY, NEW JERSEY, MORE PARTICULARLY CHAPTER 112, DEVELOPMENT SECTION 112-8, GENERAL REGULATIONS AND SECTION 112-38 – FEES – SCHEDULE VI – MISCELLANEOUS FEES

Mayor Levine stated that the foregoing ordinance is presented to the Township Council for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on December 13, 2005.

Deputy Mayor McKenzie moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on December 13, 2005 at 7:00 p.m. in the Council Chambers, Municipal Building. Said motion was seconded by Mr. Sumter and carried as follows upon call of the roll:

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

Ordinance No. 3575

Mayor Levine presented the following ordinance:

BOND ORDINANCE AMENDING AND SUPPLEMENTING BOND ORDINANCE NUMBER 3247 HERETOFORE FINALLY ADOPTED BY THE GOVERNING BODY OF THE

TOWNSHIP OF FRANKLIN ON OCTOBER 23, 2001, ENTITLED, "BOND ORDINANCE PROVIDING FOR RENOVATIONS AND IMPROVEMENTS TO THE FRANKLIN TOWNSHIP PUBLIC LIBRARY, BY AND IN THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET, IN THE STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$6,100,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$5,795,000 BONDS AND/OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF", AS AMENDED BY BOND ORDINANCE NUMBER 3311 FINALLY ADOPTED AUGUST 13, 2002, AS AMENDED AND SUPPLEMENTED BY BOND ORDINANCE NUMBER 3385 FINALLY ADOPTED JUNE 26, 2003, TO INCREASE THE APPROPRIATION THEREIN BY \$95,000

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 November 22, 2005.

Ms. Danile moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on November 22, 2005 at 7:00 p.m. in the Council Chambers, Municipal Building. 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			Regan
Eberle	Levine			
McKenzie	Ritchie			
Sumter	Vassanella			

Ordinance No. 3576

Mayor Levine presented the following ordinance:

BOND ORDINANCE PROVIDING FOR THE CONSTRUCTION OF TWO RADIO TOWERS AND THE PURCHASE AND INSTALLATION OF EQUIPMENT RELATED THERETO FOR THE EXPANSION OF THE TRUNKED RADIO SYSTEM, BY AND IN THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$1,611,800 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,535,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COSTS THEREOF

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 November 22, 2005.

Ms. Danile moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on November 22, 2005 at 7:00 p.m. in the Council Chambers, Municipal Building. Said motion was seconded by Ms. Eberle and carried as follows upon call of the roll:

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

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			Regan
Eberle	Levine			
McKenzie	Ritchie			
Sumter	Vassanella			

Resolution #05-455 Authorize Release of Building/Planning Review Escrows.

WHEREAS, the Township of Franklin, Somerset County has received escrow monies for purposes of professional fees incurred for review of and/or testimony concerning an application for development in accordance with Section 112-29 of the Code of the Township of Franklin; and

WHEREAS, the project has been completed and the Township Engineer has certified to the Township Clerk the amount of money charged against the escrow and has recommended that the balance remaining as set forth be returned to the applicant:

APPLICANT:	The Briad Group (Wendy’s)		
ADDRESS:	78 Okner Parkway Livingston, NJ 07039		
DOCKET NO.	P99013P		
BLOCK/LOT:	259/74		
LOCATION:	Easton Avenue		
AMOUNT DEPOSITED:	\$1,500.00 <Heyer>	\$1,500.00 <In-hse>	
AMOUNT CHARGED:	<u>450.00</u>	<u>1,215.00</u>	
AMOUNT TO BE REFUNDED:	\$1,050.00	\$ 285.00	

APPLICANT:	Milon Builders, Inc. Co.		
ADDRESS:	8 Bronson Way Skillman, NJ 08558		
DOCKET NO.	PLN2004-0028		
BLOCK/LOT:	507/59.01		
LOCATION:	491 Elizabeth Avenue		
AMOUNT DEPOSITED:	\$6,875.00 <CME>	\$1,875.00 <Heyer>	\$750.00 <In-Hse>
AMOUNT CHARGED:	<u>6,061.50</u>	<u>1,142.50</u>	<u>0.00</u>
AMOUNT TO BE REFUNDED:	\$ 813.50	\$ 732.50	\$750.00

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 #05-457 Award Contracts – Towing of Township Automobiles and Vehicles – Guaranteed Motors (Automobiles, light trucks & small buses) - \$39.99 per incident – Dependable Motors (Vehicles 8,000 lbs. and over) - \$275 per hour – Both contracts combined – Not to Exceed \$10,000.00.

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

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

VENDOR: GUARANTEED MOTOR TOWING
SERVICES, INCORPORATED
607 Somerset Street
Somerset NJ 08873

- ITEMS:** Retrieval/Towing Services for Township-owned Vehicles – November 1 1, 2005 to October 31, 2006
- COST:** Per incident = \$39.99 for Automobiles, light trucks and small buses
- VENDOR:** DEPENDABLE MOTORS
873 Somerset Street
Somerset NJ 08873
- ITEMS:** Retrieval/Towing Services for Township-owned Vehicles – November 1 1, 2005 to October 31, 2006
- COST:** \$275.00 per hour for Vehicles weighing 8,000 pounds or more (buses, trucks & construction equipment)

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 #05-458 Reject Bids – Fixed Base Radio Meter Reading System – Over Budget and/or Non-compliant with bid specifications.

WHEREAS, two (2) bids were received and one (1) bid was over budget and both were non-compliant with the specifications; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, Somerset County, New Jersey that the bids for Fixed Base Radio Meter Reading System be and are hereby rejected.

Resolution #05-459 Award Contract – Beyer Brothers Corp. – 5-7 yard Dump Truck – Not to Exceed \$88,097.00.

WHEREAS, a notice to bidders for the receipt of bids for a 5-7 Yard Dump Truck was published in the Courier News on September 12, 2005 with a bid opening of September 23, 2005; and

WHEREAS, there was one addendum, dated September 19, 2005, extending the bid opening date to October 4, 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 bid be awarded:

Beyer Brothers Corporation
109 Broad Avenue
Fairview, NJ 07022

5-7 Yard Dump Truck

Amount not to exceed \$88,097.00; and

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

Resolution #05-461 Authorize Release of Maintenance Bond – Global Construction & Togar Korman Venture – Bond #19-007-772 - Z99072US – Block 502/Lots 7, 8.01 & 10.01 – Bond Amount: \$232,530.90.

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

ITEM:	Maintenance Bond
NAME OF APPLICANT:	Global Construction & Togar Korman Venture
ADDRESS OF APPLICANT:	4001 First Avenue, Lafayette Hill, PA 19444
SITE PLAN DOCKET:	Z99072US
NUMBER:	19-007-772
INSURANCE CO./BANK:	Liberty Mutual Insurance Company
IN THE AMOUNT OF:	\$232,530.90
FOR:	2-Year Maintenance Bond

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

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

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

Resolution #05-462 Authorize Bid and Sale of one (1) Plenary Retail Consumption License (liquor license).

WHEREAS, NJSA 33:1-12.14 provides that no new Plenary Retail Consumption License shall be issued in a municipality unless and until the number of such licenses existing in the municipality is fewer than one (1) for each 3,000 of its population as shown on the last preceding Federal Census; and

WHEREAS, NJSA 33:1-12.14 provides that no new Plenary Retail Distribution License shall be issued in a municipality unless and until the number of such licenses existing in the municipality is fewer than one (1) for each 7,500 of its population as shown on the last preceding Federal Census; and

WHEREAS, the Federal Census figure for 2000 Census has been certified by the New Jersey Secretary of State Department; and

WHEREAS, pursuant to such certified figures, the population of Franklin is 50,903 persons; and

WHEREAS, as a result of the foregoing, there resulted in the Township of Franklin the authority to issue two (2) Plenary Retail Consumption License and one (1) Plenary Retail Distribution License for the sale of alcoholic beverages; and

WHEREAS, on January 11, 2005, the Township Council awarded one (1) Plenary Retail Consumption License and one (1) Plenary Distribution License to the successful bidders, thus resulting in one (1) remaining Plenary Retail Consumption License; and

WHEREAS, pursuant to NJSA 33:1-19.3, it is the desire of the Township of Franklin, Somerset County to accept sealed bids for said license as required by law subject to the terms and conditions herein specified;

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

1. The Township of Franklin hereby determines that it will sell at public sale one (1) Plenary Retail Consumption License for the sale of alcoholic beverages, in accordance with the procedure set forth in NJSA 33:1-19.3 et seq.
2. The Township Clerk shall publish a notice of proposed issuance of the alcoholic beverage license. The notice shall provide the following:
 - a. The Township, by resolution, has determined to consider the issuance of (1) Plenary Retail Consumption License by public sale to the highest qualified bidder and invites bids therefore.
 - b. The Notice shall be published in the Courier News not less than two (2) times, which publications shall not be less than one (1) week apart. The second or last notice shall be published at least thirty (30) days before the date established to open all bids from qualified bidders. The minimum time period that must be allowed for bidders to apply for the License is twenty-five (25) days after the second publication.
 - c. All prospective bidders for the license shall apply by submitting to the Clerk of the Township of Franklin in full and complete eleven (11) page application form; a separately sealed envelope with the applicant's bid and bid deposit fee; and a separate Certification of Proof of Compliance by the applicant that it meets any and all special conditions or requirements contained in the Notice and knows of no reason he or she would be disqualified from having an interest in a Retail License in New Jersey.
 - d. The Notice will advise that all bids will be sealed and that the minimum bid for this new consumption license shall be \$250,000.00 along with any terms and conditions related to the bid process, such as deposits, returns, forfeitures, etc.
 - e. The Notice shall state the Township reserves the right to reject all bids if the highest bid is not accepted. A sale may be postponed or canceled at any time prior to opening of the bids.
 - f. The Notice shall specify the time, place and last date that applications and bids will be accepted. Also indicate therein will be the requirement that the Clerk of the Governing Body shall publicly announce those applicants who presumptively meet the qualification for bidding as fixed by law, rules and regulations and the enabling resolution and Notice. This public announcement must occur not less than five (5) days prior to the date of opening the sealed bids.
 - g. The time, place and date that the sealed bids will be opened must also be specified in the Notice, which must be no sooner than five (5) days after the public announcement of all presumptively qualified bidders. No bids will be opened from or on behalf of any bidder who does not qualify or has not submitted proof of qualification (full and complete eleven (11) page ABC application form and Certification of Proof of Compliance).
 - h. At the designated time, place and date, the sealed bids will be opened and all bid amounts and the highest bid amount will be declared. If the issuing authority determines to reject all bids they shall do so by formal resolution. If they determine to accept the highest qualified bid, that also shall be done by resolution under the conditions that the ultimate issuance of the license will

be subject to payment of the balance of the bid price; payment of the State \$250.00 Application Fee; satisfactory outcome of further municipal background checks to investigate the source of funds used to purchase the license and the receipt of favorable State and/or Federal criminal background checks; and the compliance with the publication, hearing and resolution requirement under NJAC 13:2-2.1 et. seq.

3. The minimum bid price for the Retail Consumption license shall be \$250,000.00;
4. **Monday, December 5, 2005**, 12:00 noon at the Office of the Township Clerk, 475 DeMott Lane, Somerset, New Jersey is hereby fixed as the last date and time that applications and bids will be accepted;
5. **Monday, December 12, 2005**, 12:00 noon at the Office of the Township Clerk, 475 DeMott Lane, Somerset, New Jersey is hereby fixed as the date, time and location for a public announcement of all presumptively qualified bidders;
6. **Monday, December 19, 2005** at 12 noon at the Municipal Building, 475 DeMott Lane is hereby fixed as the date, time and location when sealed bids will be opened and all bid amounts and the highest bid amount will be declared;
7. **Tuesday, March 14, 2006** at 7:00 p.m. a Resolution accepting the highest bid amount will be declared and a Resolution accepting the highest bid or rejecting all bids, as the case may be, shall be adopted;
8. Ten 10% of the purchase price shall accompany the sealed bid. The deposit shall be cash, certified check or cashier check;
9. Nothing contained herein shall be deemed to excise or relieve an applicant from compliance with all applicable laws, regulations and ordinances including, without limitation, compliance with all provisions of Chapter 75, Alcoholic Beverages, of the Township Code;
10. The Township reserves the right to reject any and all bids where the highest bid is not accepted.

Resolution #05-463 Accept Resignation of Morteza Ansari from the Trails Advisory Committee, effective immediately.

BE IT AND IT IS HEREBY RESOLVED that the Township Council of the Township of Franklin, County of Somerset, New Jersey, does hereby accept the resignation of Morteza Ansari as a Member of the Trails Advisory Committee, effective immediately.

BE IT FURTHER RESOLVED that the Township Council does hereby thank and commend Morteza Ansari for services performed on behalf of said Township.

Resolution #05-464 Authorize Release of Municipal Court Violations Bureau Overpayments in the amount of \$72.95.

WHEREAS, there exists on the books of the general account of the Municipal Court Violations Bureau overpayments that were not able to be refunded for the year;

NOW, THEREFORE, BE IT RESOLVED that the following list of ticket numbers in the amount of \$72.95 hereby be turned over to the township Treasurer:

<u>Issued</u>	<u>Check No.</u>	<u>Amount</u>
10/05/04	5360	10.00
11/09/04	5378	28.00

12/07/04	5303	5.00
01/11/05	5410	1.00
02/16/05	5428	10.00
02/16/05	5430	5.00
03/10/05	5439	5.00
04/06/05	5459	2.00
04/06/05	5460	1.00
04/06/05	5462	2.00
04/06/05	5463	2.00
06/08/05	5498	1.00
06/08/05	5501	0.85
07/08/05	5529	0.10
	Total	\$72.95

Resolution #05-465 Award Contract Purchase with Patrice Loehle for Administration of CDBG and Other Township Grants for the period of July 1, 2005 through June 30, 2006 in an amount not to exceed \$19,000.00.

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

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

VENDOR: Patricia Loehle
 17 Hunter Ridge Drive
 Pennington, NJ 08534

ITEMS: Administration of CDBG Program and Other Township Grants

COST: \$19,000.00

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

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

Resolution #05-466 Authorize Release 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>
136/3	TOWNSHIP OF FRANKLIN	1/05 MOVE CREDIT TO 3/05	7.22
516.6.03QFARM	BOB SMITH & ASSOC. 216 STELTON ROAD SUITE B1 PISCATAWAY, J 08854	4/05 DUPLICATE LINE ITEM	944.90

BE IT FURTHER RESOLVED that two certified copies of this resolution be filed forthwith in the office of the Director of Local Government Services.

Resolution #05-469 Award Purchase – Natus Brothers Inc. – Repairs of HVAC System in the Public Safety Building – Not to Exceed \$10,165.00.

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: NASTUS BROTHERS, INC.

P.O. BOX 7479

NORTH BRUNSWICK, NJ 08902

ITEMS: REPAIRS OF HVAC SYSTEM IN THE PUBLIC SAFETY BUILDING

COST: \$10,165.00

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.

ADJOURNMENT

Ms. Danile moved to adjourn the meeting at 9:55 p.m. Said motion was seconded by Deputy Mayor McKenzie and carried unanimously upon call of the roll.

Approved:

Brian D. Levine, Mayor

Date:

Ann Marie McCarthy, Township Clerk