

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 7:10 p.m.

Mayor Levine called the Work Session/Regular Meeting of the Township Council to order. Mayor Levine stated “In accordance with Section 5 of the Open Public Meeting Act, Chapter 231, Public Law 1975, be advised that adequate notice of this Work Session/Regular Meeting of the Township Council of the Township of Franklin, County of Somerset was made by the posting on the bulletin board at the Municipal Complex and transmitted to the officially designated newspapers, a list of dates, annually, indicating that this Work Session/Regular Meeting would take place at the Franklin Township Municipal Complex at 7:00 p.m. on November 10, 2005. In addition, a copy of this notice is and has been available to the public and is on file in the Office of the Municipal Clerk.”

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

The Township Clerk called the roll.

Present: Ms. Ashley-Williams, 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

PROCLAMATIONS

“Veteran’s Day”

Mayor Levine presented the following proclamation to members of the Franklin Township American Legion:

WHEREAS, honorable service performed in the defense of our nation and her cause in time of war is the highest form of citizenship; and

WHEREAS, the men and women who have served in the Armed Forces of the United States of America have made major contributions toward the preservation of the freedom of this nation and her people; and

WHEREAS, the services performed by these millions of gallant Americans have demonstrated the willingness of our nation to meet the challenges of those forces wishing to subjugate individual determination through armed conflict; and

WHEREAS, the nation and the free world are eternally grateful for the contributions of American veterans – men and women – to the advancement of the cause of an honorable world peace; and

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 November 11, 2005 as Veterans Day and call upon all citizens to observe the day with appropriate ceremonies in honor of those who have served the principles of Justice, Freedom and Democracy.

“Friendship Proclamation”

Mayor Levine presented the following proclamation plaque and a Mayor’s pin to Mayor Bankole-Johnson of Freetown, Sierra Leone:

WHEREAS, Winstanley R. Bankole-Johnson, Mayor of Freetown, Sierra Leone is visiting the Township of Franklin, County of Somerset, State of New Jersey, United States of America; and

WHEREAS, many members of the Sierra Leone community reside in the Township of Franklin; and

WHEREAS, Mayor Bankole-Johnson has taken this opportunity to visit Franklin Township and meet with members of Franklin Township government and citizens of Franklin Township with ties to Sierra Leone; and

WHEREAS, Mayor Bankole-Johnson as a representative of Freetown has established a diplomatic friendship with the Township of Franklin,

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

**Freetown, Sierra Leone
&
Township of Franklin, New Jersey, USA**

Police Chief Novick and Captain Roberts presented Mayor Bankole-Johnson with a Franklin Township Police Department cap and model car.

Mayor Bankole-Johnson presented a plaque and pin to Mayor Levine.

EXECUTIVE SESSION

Upon motion by Deputy Mayor McKenzie and seconded by Ms. Ashley-Williams, the following resolution was adopted unanimously upon voice vote:

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

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

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

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

**Attorney-Client Privilege/Potential Litigation – Half Time Pub
Labor Negotiations & Personnel**

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

The meeting adjourned to Executive Session at 7:27 p.m. Mr. Sumter moved to reconvene the meeting at 8:07 p.m. Said motion was seconded by Ms. Ashley-Williams and carried unanimously upon voice vote.

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.
- Attended the Sheryl King Scholarship event.
- Attended opening of new Easton Avenue Stop and Shop on November 9th.

DEPUTY MAYOR REPORT

Deputy Mayor McKenzie made the following report:

- Spoke of remembering Veteran's Day and asked all to attend Veterans Day ceremony tomorrow at 11:00 a.m. in front of the Municipal Building.
- Congratulated candidates who won the election on Tuesday.

COMMITTEE REPORTS

Public Safety Report

Mr. Vassanella presented the following report of the Public Safety Committee meeting held on November 3rd:

"The Public Safety Committee of Franklin Township Council met on November 3, 2005 at 7 p.m. in the Municipal Building. Present were Councilmembers Sumter and Vassanella, Township Manager Daly and Sgt. Vornlocker from the FTPD. Councilman Regan was absent because of an illness in the family.

Forest Gate

After reviewing many comments from residents concerned about the possible safety hazards that stem from the number of students that wait for school buses on Easton Avenue, Mr. Vassanella raised the idea of a potential access from Forest Gate. The amount of school buses that stop on Easton Avenue, the length of time the buses are stopped in the right lane of Easton Avenue during morning rush hours, and the amount of parents' cars that park near the entrance of Easton North Apartments and Easton Avenue, waiting for their children to be dropped off, were all considered to be safety concerns by the Public Safety Committee. The consensus of the committee was to recommend that the Forest Gate community install a 12' fire lane, which could also serve as a sidewalk for students to walk from Forest Gate out to New Brunswick Road. Sgt. Vornlocker felt that he would be able to work with the School District to get the school bus to stop there once access was constructed.

Wilson Road

After reviewing the recommendations by fire, police and emergency rescue officials, Mr. Vassanella, Mr. Regan, Mr. Sumter and Sgt. Vornlocker came up with alternative possible

solutions to the use of Wilson Road as a cut through for traffic. The committee consensus is that the Township Council adopts a resolution at its November 22 meeting making a recommendation to Somerset County and forwarding a draft ordinance to the County and NJDOT. The resolution and ordinance would include turning restrictions during rush hours at the corners of Treptow and Wilson (morning) and Amwell and Wilson, Wade and Charles (evening) forbidding left hand turns. The committee also recommends that warning signs be posted at either end of Wilson advising drivers of these restrictions. If, after diligent enforcement of new turning restrictions by the FTPD a significant problem still remains, the Public Safety Committee will revisit this issue.

Lighting in the Parks

The committee reviewed the report from the Police Department on the status of lighting in the township parks. The committee recommends that Council direct the Manager to have the Township Engineer estimate the costs of improving the lighting in the parks where noted in this report, that the Township Engineer present these estimates to the Public Works Committee, and that these lights be included in the FY2007 capital budget with implementation expedited in summer 2006.

Snow Route Ordinance

The committee recommended that the ordinance designating Somerset Street between the New Brunswick border and the intersection with Route 27 be placed on the November 10th Council agenda.

Evacuation Annex to the Township Emergency Operations Plan

The committee reviewed the existing annex and recommended that it be updated since its last revision was in 1999. Part of that update should include provision that the Township Manager will notify the Mayor and Township Council, beginning with the Public Safety Committee, in the event that any full or partial evacuation is ordered.

Avian Flu Pandemic

The committee reviewed the information on the Township Health Department coordination with County and State authorities on their contingency plans for a potential flu pandemic. The committee understands that the Health Department will be posting links on the Township's website so that the public can access information on this planning.

Hand Washing Ordinance

The committee reviewed the ordinance recommended by the Advisory Board of Health to require hand-washing facilities in all public bathrooms in Franklin Township. The ordinance should be introduced in January 2006. The committee recommends Council pass this ordinance as soon as possible."

Library Board of Trustees Report

Ms. Ashley-Williams reported on the October 26th meeting and reported the main discussion of the meeting was the library expansion and renovation project. She reported that there was some rain problems with the roof and noted that only one book was lost. She reported that a patron purchased the Middleton Giant \$2000 tile and stated to check the website for tile availability. Ms. Ashley-Williams reported that Josie Ann Stein willed \$10,000 to the Library.

Ms. Ashley-Williams reported the following statistics for September 2005: 284 new registrations; 417 titles uploaded and 634 people attended the 29 programs conducted in September.

Business & Industry Advisory Board

Mayor Levine reported that this morning's meeting centered on Mayor Bankole-Johnson's visit from Freetown, Sierra Leone.

Finance Oversight Committee

Ms. Danile presented the following report of the Finance Oversight Committee held on November 1, 2005:

"A meeting of the Finance Oversight Committee took place on Tuesday, November 1st. Present at the meeting were committee members Councilman Brian Regan, Mayor Brian Levine and Councilwoman Teresa Danile as well as Township Manager, Ken Daly, Assistant Manager Donna Vieiro and CFO Marc Dashield.

Among the items on the agenda were the following:

1. A discussion of salary ranges for certain township employees not previously included in the salary range category. The purpose of having ranges would be to eliminate the need for a separate ordinance each year, since the ordinances are standard practice annually.
2. Additions and reductions to the budget were presented by Township Manager, Ken Daly.
3. Since Councilwoman Danile's presentation on property taxes and recommendations for addressing property taxes, there has been significant interest in seriously doing something about property taxes. Consequently, the finance oversight committee was presented with a long-term fiscal policy aimed at stabilizing municipal levies by Mr. Daly.
4. The committee agreed that the budget would be introduced at tonight's meeting and discussion of the budget by Council members is now open."

The discussion of the budget was directed to the portion of the meeting where the budget was to be introduced.

REVIEW OF THE PREPARED AGENDA

Mayor Levine led a very brief review of the prepared agenda. A brief discussion ensued regarding resolution #05-471 – Approve Annual Compensation of Board of Fire Commissioners – Fire District #3 - \$7,002.00 each. It was requested by Council that a representative from the Fire District explain the reasoning for the salary amount. Council asked for an explanation of their parameters regarding approving the salaries; what the result would be if they do not approve them and what their authority is. It is the consensus of Council that the salaries of all the Fire Districts be comparable and uniform.

Clarification was given regarding Resolutions #05-476 and #05-477 – Reduction of Performance Guarantees for Sterling Properties and the amounts stated in the backup letters.

DISCUSSION ITEM

Block 85, Lot 39 – corner of Sinclair Blvd./Rt. 27 – request to Vacate Portion of ROW

Mr. Rainone, Township Attorney explained that the applicant is requesting Council to consider vacating a portion of the Township right-of-way. The portion requested is 25 feet of the 35-foot area. It would allow for a better site design. The Planning Board recommended this

vacation of the right-of-way. After a brief discussion, it was the consensus of Council to introduce the ordinance on November 22nd with an adoption date of December 13th.

APPROVAL OF WARRANTS

Mayor Levine presented the following warrants in the amount of \$8,472,317.69 for November 10, 2005 to the Township Council for payment:

1	Current	7,396,244.61
5	Water Operating	7,950.91
6	Water Capital	12,286.15
4	General Capital	481,063.87
15	Trust Others	500.00
18	Self Insurance Trust	
21	Recreation Trust	2,761.75
12	Open Space Trust	7,815.85
2	Grant	160,020.37
17	Workers' Compensation	
26	Affordable Housing	5,300.50
3	Collector Trust	14,407.34
14	Dog Revenue	
30	Payroll Agency	374,050.09
13	Redevelopment Agency	
	Sub-Total	8,462,401.44
25	Escrow Account	9,916.25
	Grand Total	8,472,317.69

Deputy Mayor McKenzie moved that warrants, as amended, in the amount of \$8,472,317.69 for November 10, 2005 to be paid. Said motion was seconded by Ms. Danile and carried as follows upon call of the roll:

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

ORDINANCES – PUBLIC HEARING & ADOPTION

Ordinance No. 3572

Mayor Levine offered the following ordinance:

AN ORDINANCE AUTHORIZING THE PRIVATE SALE OF TOWNSHIP OWNED LAND LOCATED IN BLOCK 180, LOT 38 ALSO KNOWN AS 74 AMBROSE STREET IN THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY

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.

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			

Ordinance No. 3573

Mayor Levine offered the following ordinance:

AN ORDINANCE AUTHORIZING THE FILING OF AN AMENDMENT TO THE DEED OF EASEMENT FOR BLOCK 37.02, LOT 2 TO CONFORM WITH THE REQUIREMENTS OF THE STATE AGRICULTURAL DEVELOPMENT COMMITTEE GUIDELINES.

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 Deputy Mayor McKenzie and carried unanimously upon call of the roll.

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

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.

Joseph Danile, Magnolia Road, spoke of the continuous personal attacks of Councilwoman Danile by Township Republicans. He congratulated the candidates that won

the election on Tuesday. He directed some of his statements to Township Republicans and made supportive statements of Councilwoman Danile.

Grace Evans, 38 Crown Road, congratulated the winning candidates. She spoke of the negative election campaigns and suggested that energy be put into reasonable attacks on property tax reform.

Philip Kramer, 429 Canal Road, TUF, cameraman, asked some basic questions regarding the tax system to the Township Manager. He spoke of the debate issue and noted that he spoke to many people from different segments of government who were astounded by the Township Attorney's opinion regarding debates on the Township's government access channel. He stated that statements by each Governor candidate were printed on each sample ballot, which is paid for with taxpayer's money. He asked the Township Attorney for his opinion of this matter. Mr. Rainone replied that State law allows for public funding on gubernatorial campaigns. He noted that some Counties do this and others do not.

Raymond Betterbid, 4 Denbigh Drive, congratulated the winning candidates and expressed his hope that the negativity would stop now that the election is over. He hopes that both sides would cooperate with one another. He stated that the municipal budget impacts the taxes minimally and suggested that taxpayers look at their county taxes.

Mr. Daly answered Mr. Kramer's tax questions successfully. He reported that Franklin Township won "Best Overall" in a competition of municipal public information. He commended Joyce Miller for all her hard work. He reported the flu clinic was successful and there are still more vaccines available. Those interested should contact the Health Department.

Ms. Ashley-Williams moved to close the public discussion portion of the meeting. Said motion was seconded by Mr. Sumter and carried unanimously upon call of the roll.

COUNCIL COMMENTS

Mr. Sumter congratulated the winning candidates.

Ms. Eberle expressed her wish that everyone attend the Veterans Day ceremony. She stated that it was pleasant to meet the Freetown Mayor, noting it expresses good public relations.

Ms. Ashley-Williams stated that it was an honor to be part of Mayor Bankole-Johnson's visit and it was a pleasure speaking with him. She thanked the Double Tree Hotel for providing his suite. She congratulated the winning candidates and noted that they need to get beyond the ugly campaigns. She reiterated the need to contact the Governor and State legislators to address property tax reform. She congratulated Ms. Miller regarding "Best Overall" public information. She spoke of the Sheryl L. King Scholarship Fund.

Ms. Danile stated that they have work to do and hopes they all work together for the good of Franklin Township. She clarified some of her statements regarding property taxes and assessment.

Mr. Vassanella thanked the residents of the 5th Ward for their support. He stated he main goal is for budget and fiscal restraint. He will focus on quality of life – both environmental and safety. He will address senior affordable housing and find creative ways to increase revenues.

Ms. Ritchie thanked the voters of the 3rd Ward for their faith in her. She spoke of how the election was special with her son voting for the first time.

Deputy Mayor McKenzie spoke of the local National Guard units being in the process of returning back from Iraq. He noted all should be back by the first two weeks of January. He

stated that there are nine (9) individuals on Council, all unique and having their own views. He noted that they need to get on the Governor and State legislators to address property tax reform.

Mayor Levine announced there is a special board of education election on December 13, 2005. He stated it was an honor to meet with Mayor Bankole-Johnson. He expressed his interest in moving forward and working with Council.

Ms. Eberle thanked the voters in Ward 1 for their support.

ORDINANCES - INTRODUCTION

Ordinance No. 3577

Mayor Levine presented the following ordinance:

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY MORE PARTICULARLY CHAPTER 52 - SALARIES & COMPENSATION – SECTION 52-3 – ANNUAL BASE COMPENSATIONS FOR ELECTED AND APPOINTED EMPLOYEES/OFFICIALS; SECTION 52-4 – ANNUAL COMPENSATION AND LONGEVITY FOR MANAGERIAL AND EXEMPT EMPLOYEES AND 52-5 – ANNUAL COMPENSATION FOR FULL TIME WHITE COLLAR MUNICIPAL EMPLOYEES.

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			Ritchie
McKenzie	Sumter			
Vassanella				

Ordinance No. 3578

Mayor Levine presented the following ordinance:

AN ORDINANCE CHANGING THE NAME OF A PORTION OF STREET KNOWN AS NEW BRUNSWICK ROAD TO OLD NEW BRUNSWICK ROAD, IN THE TOWNSHIP OF FRANKLIN, SOMERSET COUNTY, NEW JERSEY.

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 Ms. 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			Ritchie
McKenzie	Sumter			
Vassanella				

Ordinance No. 3580

Mayor Levine presented the following ordinance:

AN ORDINANCE AUTHORIZING A LEASE AMENDMENT FOR CERTAIN PREMISES OWNED BY TRAP ROCK INDUSTRIES, INCORPORATED TO THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET AND STATE OF NEW JERSEY FOR THE INSTALLATION OF COMMUNICATIONS ANTENNA AND TRANSMISSION LINE/RECEIVING EQUIPMENT

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.

Ms. Danile 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			Ritchie
McKenzie	Sumter			
Vassanella				

Ordinance No. 3581

Mayor Levine presented the following ordinance:

AN ORDINANCE AUTHORIZING A LEASE AGREEMENT BETWEEN THE TOWNSHIP OF FRANKLIN, SOMERSET COUNTY AND THE BOARD OF EDUCATION OF THE TOWNSHIP OF FRANKLIN FOR LANDS KNOWN AS BLOCK 11.01, LOT 2.01 LOCATED AT 287 BUNKER HILL ROAD KNOWN AS THE CARETAKER HOUSE AND 255 BUNKER HILL ROAD KNOWN AS THE ENVIRONMENTAL CENTER.

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.

Ms. Danile 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 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			

Ordinance No. 3582

Mayor Levine presented the following ordinance:

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, SOMERSET COUNTY, NEW JERSEY, MORE PARTICULARLY CHAPTER 226, VEHICLES & TRAFFIC – SECTION 226-9 - TEMPORARY PARKING PROHIBITION FOR SNOW PLOWING AND REMOVAL – ADDING SOMERSET STREET

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 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			Regan
Eberle	Levine			
McKenzie	Ritchie			
Sumter	Vassanella			

Ordinance No. 3583

Mayor Levine presented the following ordinance as amended:

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 112, DEVELOPMENT – SECTION 112-32.02, DEVELOPMENT FEES FOR AFFORDABLE HOUSING (SECTION B – CHANGES TO THE DEFINITION OF INCLUSIONARY DEVELOPMENT & SECTION D – AMENDMENTS TO RESIDENTIAL DEVELOPMENT 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.

Ms. Danile 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			

CONSENT AGENDA ITEMS

Upon motion by Ms. Danile, seconded by Deputy Mayor McKenzie, the following consent agenda items (except “b”) 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 #05-470 Authorizing Change Order No. 1 – Marino Paving Company – Amwell Road Bikeway – Additional Amount Not to Exceed \$2,913.05.

WHEREAS, the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey, has on May 10, 2005, authorized the awarding of a contract to

MARINO PAVING COMPANY INC.

**84 Anderson Road
Watching, NJ 07060**

Original amount not to exceed \$53,025.00; and

WHEREAS, the bid was based on estimates of quantities of materials needed and the actual amount differed slightly, resulting in the need to increase the contract as follows:

CHANGE ORDER NO. 1:

Amwell Road Bikeway - \$2,913.05

New Total: \$55,938.05; 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;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey, does hereby authorize the issuance of Change Order No. 1 to the contract with Marino Paving Company Inc.; and

BE IT FURTHER RESOLVED that the Township Manager be and he is authorized to sign said Change Order on behalf of the Township.

Resolution #05-472 Award Extraordinary, Unspecifiable Services Agreement – New Jersey Audubon Society – Implementation of Habitat and Passive Recreation Plan - \$25,000.00.

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

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

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

- (1) The Mayor and Township Clerk are hereby authorized and directed to execute the below referenced agreement with the below stated vendor, which agreement shall be maintained on file with the Township Clerk and available for public inspection.

- (2) This agreement is awarded without competitive bidding as a "EXTRAORDINARY UNSPECIFIABLE SERVICE" under the provisions of the Local Public Contracts Law.
- (3) A notice of this action shall be printed in the **LEGAL NEWSPAPER OF THE TOWNSHIP** as required by law within ten (10) days of its passage.
- (4) The vendor shall supply the Township of Franklin with Federal Affirmative Action Plan Approval or State Certificate of Employee Information Report within the time period specified by NJAC 17:27. The Contract shall contain the Mandatory Affirmative Action Language for Professional Service Contracts required by NJAC 17:27, a copy of which shall be attached to and incorporated in the Extraordinary Unspecifiable Service Agreement authorized herein.
- (5) The vendor shall agree to comply with the requirements of Title II of the Americans with Disabilities Act of 1990 and indemnify, protect and save harmless the Township from all suits, claims, losses, demands or damages of whatever kind or nature arising out of or claimed to arise out of alleged violations of the Act. A copy of the Act shall be attached to and incorporated in the Extraordinary Unspecifiable Service Agreement authorized herein.

VENDOR NAME: NEW JERSEY AUDUBON SOCIETY
ADDRESS: 11 Hardscrable Road
 PO Box 693
 Bernardsville NJ 07924
CONTRACT AMOUNT: Not to Exceed \$25,000.00
SERVICE: Implementation of Habitat and Passive Recreation Plan

Resolution #05-473 Award CDBG Project to Ronald Patrick's Plumbing for 61 Girard Avenue in an amount not to exceed \$28,325.00.

BE IT AND IT IS HEREBY RESOLVED that the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey does hereby authorize the Mayor and Township Clerk to execute on its behalf the following CDBG Grant for Rehabilitation, copies of which are on file with the Township Clerk and available for public inspection:

CONTRACTOR: Ronald Patrick's Plumbing
 31 Heidi Drive
 Fords, NJ 08863
AMOUNT: \$28,325.00
PROJECT: CDBG 61 Girard Avenue

Resolution #05-474 Award CDBG Project to JDL Contracting Co., Inc. for 404 Girard Avenue in an amount not to exceed \$24,250.00.

BE IT AND IT IS HEREBY RESOLVED that the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey does hereby authorize the Mayor and Township Clerk to execute on its behalf the following CDBG Grant for Rehabilitation, copies of which are on file with the Township Clerk and available for public inspection:

CONTRACTOR: JDL Contracting Co., Inc.
 4 Timothy Avenue
 Kendall Park, NJ 08824
AMOUNT: \$24,250.00
PROJECT: CDBG 404 Girard Avenue

Resolution #05-475 Award CDBG Project to JDA Contracting LLC for 357 West Point Avenue in an amount not to exceed \$36,850.00.

BE IT AND IT IS HEREBY RESOLVED that the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey does hereby authorize the Mayor and Township Clerk to execute on its behalf the following CDBG Grant for Rehabilitation, copies of which are on file with the Township Clerk and available for public inspection:

CONTRACTOR: JDA Contracting LLC
46 Brookside Avenue
Old Bridge, NJ 08857
AMOUNT: \$36,850.00
PROJECT: CDBG 357 West Point Avenue

Resolution #05-476 Authorize Reduction of Performance Bond (Cash Portion) – The Sterling Properties Group - #PLN2003-0008 – Block 507/Lot 27 – Weston Road/Cedar Grove Lane – Site Improvements – From \$587,595.01 to \$176,278.50.

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

ITEM: Performance Bond (Cash Portion)
NAME OF APPLICANT: The Sterling Properties Group
ADDRESS OF APPLICANT: 600 South Livingston Avenue, Suite 102
Livingston, NJ 07039
SITE PLAN DOCKET: PLN2003-0008
NUMBER: #10023 (Check)
INSURANCE CO./BANK: Commerce Bank
IN THE AMOUNT OF: \$587,595.01
FOR: Site Improvements – Block 507/Lot 26 – Weston Road/Cedar Grove Lane

WHEREAS, the Township Engineer, after inspection, recommends reduction of the aforesaid Performance Bond (Cash Portion);

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 reduced to \$176,278.50 to the above named applicant.

Resolution #05-477 Authorize Reduction of Performance Bond – The Sterling Properties Group - #PLN2003-0008 – Block 507/Lot 27 – Weston Road/Cedar Grove Lane – Site Improvements – From \$5,288,355.11 to \$1,586,506.53.

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

ITEM: Performance Bond
NAME OF APPLICANT: The Sterling Properties Group
ADDRESS OF APPLICANT: 600 South Livingston Avenue, Suite 102
Livingston, NJ 07039
SITE PLAN DOCKET: PLN2003-0008
NUMBER: #0396727
INSURANCE CO./BANK: International Fidelity Insurance Company
IN THE AMOUNT OF: \$5,288,355.11
FOR: Site Improvements – Block 507/Lot 26 – Weston Road/Cedar Grove Lane

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

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the aforesaid performance bond be reduced to \$1,586,506.53 to the above named applicant.

Resolution #05-478 Authorize Release of Planning/Building 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:	Thomas Romine
ADDRESS:	11 Nepote Place Somerset, NJ 08873
DOCKET NO.	BRA02-030
BLOCK/LOT:	86.04/7
LOCATION:	11 Nepote Place
AMOUNT DEPOSITED:	\$150.00 <In-Hse>
AMOUNT CHARGED:	<u>65.00</u>
AMOUNT TO BE REFUNDED:	\$ 85.00

APPLICANT:	James Farm Market
ADDRESS:	160 Passaic Avenue Kearney, NJ 07032
DOCKET NO.	PLN2003-0039
BLOCK/LOT:	385/3.01
LOCATION:	900 Easton Avenue
AMOUNT DEPOSITED:	\$750.00 <CME> \$1,250.00 <Heyer>
AMOUNT CHARGED:	<u>263.00</u> <u>1,050.00</u>
AMOUNT TO BE REFUNDED:	\$487.00 \$ 200.00

APPLICANT:	GFA Development Co LLC
ADDRESS:	727 Raritan Road Clark, NJ 07066
DOCKET NO.	PLN2004-0071
BLOCK/LOT:	517.01/3.16
LOCATION:	600 Apgar Drive
AMOUNT DEPOSITED:	\$8,125.00 <CME> \$3,125.00 <Heyer> \$1,250.00 <In-Hse>
AMOUNT CHARGED:	<u>7,447.75</u> <u>1,632.50</u> <u>0.00</u>
AMOUNT TO BE REFUNDED:	\$ 677.25 \$1,492.50 \$1,250.00

APPLICANT:	House Foods America Corp.
ADDRESS:	7351 Orangewood Avenue Garden Grove, CA 92841
DOCKET NO.	PLN2004-0008
BLOCK/LOT:	516/6.05
LOCATION:	Randolph Road
AMOUNT DEPOSITED:	\$10,000.00 <CME> \$2,500.00 <Heyer>
AMOUNT CHARGED:	<u>8,359.25</u> <u>1,220.00</u>
AMOUNT TO BE REFUNDED:	\$ 1,640.75 \$1,280.00

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 #05-479 Authorize Tax Title Lien Redemptions – Outside Buyers.

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

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

NOW, THEREFORE, BE IT RESOLVED that the amounts covering the certificates of sale, together with all the charges due the said individuals at the time of redemption be and the same are hereby ordered refunded to the said individuals, and the proper officials of the Township of Franklin, Somerset County, New Jersey are hereby authorized and empowered to execute a voucher to the said individuals in the following amounts:

Date of Sale: June 7, 2001
Block/Lot: 184/8
Name & Address: Levinski, Ed. & Janovsky, G
 1160 Aaron Road
 North Brunswick, NJ 08902
 (For 383 Somerset Street)
Amount: \$7,540.23
Make Check Payable To: Staple Sewing Aids Pension
 90 Dayton Avenue, Bldg. 6C
 Passaic, NJ 07055
Certificate No.: 01-59
Payment Received: October 24, 2005

Date of Sale: June 8, 2005
Block/Lot: 184/8
Name & Address: Levinski, Ed. & Janovsky, G
 1160 Aaron Road
 North Brunswick, NJ 08902
 (For 383 Somerset Street)
Amount: \$6,867.11
Make Check Payable To: Staple Sewing Aids Pension
 90 Dayton Avenue, Bldg. 6C
 Passaic, NJ 07055
Certificate No.: 20-99
Payment Received: October 24, 2005

Date of Sale: June 9, 2005
Block/Lot: 34.02/16.03 C2612
Name & Address: Parker, Kerron & M
 70 Fisher Drive
 Franklin Park, NJ 08823
Amount: \$220.72

Make Check Payable To: James Pilewski
 3 Devon Lane
 Warren, NJ 07059
Certificate No.: 05-012
Payment Received: October 27, 2005

Date of Sale: June 13, 2002
Block/Lot: 195/10
Name & Address: Camarata, Joann
 124 Jefferson Street
 Somerset, NJ 08873
Amount: \$1,135.21
Make Check Payable To: Yi Ma
 251 Woodside Lane
 Bridgewater, NJ 08807
Certificate No.: 020103
Payment Received: October 31, 2005

Date of Sale: June 9, 2005
Block/Lot: 218/10
Name & Address: Gaffi, Inc. Othello
 500 Three Island Blvd.
 Hallandale, FL
 (For 15 Baier Avenue)
Amount: \$416.11
Make Check Payable To: James Pilewski
 3 Devon Lane
 Warren, NJ 07059
Certificate No.: 05-056
Payment Received: October 6, 2005

Date of Sale: June 9, 2005
Block/Lot: 447/13
Name & Address: Levinski, James & Laura
 33 Willow Avenue
 Somerset, NJ 08873
Amount: \$667.30
Make Check Payable To: Sanjoy LLC
 11 Stoneleigh Drive
 Scotch Plains, NJ 07076
Certificate No.: 05-095
Payment Received: October 6, 2005

Resolution #05-480 Award Somerset County Cooperative Bid – Atlantic Salt Inc. – Ice Control Salt – Amount Not to Exceed \$70,000.00.

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

VENDOR: ATLANTIC SALT, INC.
 120 PLAIN STREET
 LOWELL, MA 01851
 Somerset County Cooperative No. CC-34-04

ITEMS: Ice Control Salt
COST: \$70,000.00

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; 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 under Somerset County Cooperative.

Resolution #05-481 Award Purchase – Jesco, Inc. – Repair of Backhoe – Amount Not to Exceed \$34,357.44.

WHEREAS, the Township of Franklin desires to purchase items as follows; and

VENDOR: Jesco, Inc.
 118 St. Nicholas Avenue
 South Plainfield, NJ 07080
ITEMS: Repair of Backhoe
COST: \$34,357.44

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 #05-482 Authorize Water Remittals.

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

<u>YEAR</u>	<u>BLOCK/LOT</u>	<u>NAME/ADDRESS</u>	<u>REASON</u>	<u>AMOUNT</u>
2005	513.28/3	Abraham, Sam 6 Jay's Corner Somerset NJ 08873	Bad Remote	(\$290.23)

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey, that the Collector of Revenue be and she is hereby directed to remit the amount so stated.

Resolution #05-483 Authorize Issuance of 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:

NAME OF ORGANIZATION**DATE OF RAFFLE/BINGO**

Church of St. Matthias/Diocese of Metuchen
 168 JFK Boulevard, Somerset
 Off-Premise 50/50 – RL#1526
 Drawing: DoubleTree Hotel, Somerset

March 28, 2006
 5:30 pm – 10:00 pm

Church of St. Matthias
 168 JFK Boulevard, Somerset
 Off-Premise Raffle – RL#1527
 On-Premise 50/50 Raffle – RL#1528
 Drawing: DoubleTree Hotel, Somerset

February 10, 2006
 7:00 pm – 11:00 pm

Resolution #05-484 Authorize Grant Application – HUD Grant – Purchase of Historic Franklin Inn - \$120,280.00.

BE IT AND IT IS HEREBY RESOLVED that the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey does hereby authorize the filing of a Grant application for US Department of Housing & Urban Development – Purchase of Historic Franklin Inn - \$120,280.00.

BE IT FURTHER RESOLVED that the appropriate Township officials are authorized to execute this Grant Application on behalf of the Township.

Resolution #05-485 Award Somerset County Cooperative Bid – Diesel Fuel for Township Vehicles & Board of Education Buses – Allied Oil Company – October 1, 2005 through June 30, 2006 – Not to Exceed \$70,000.00.

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

VENDOR: ALLIED OIL, LLC, t/a ALLIED OIL COMPANY
 25 Old Camplain Road
 Hillsborough, NJ 08844
 Somerset County Cooperative No. CC-41-05

ITEMS: Diesel Fuel for Township Vehicles & Board of Education Buses
 (October 1, 2005 through June 30, 2006)

COST: \$70,000.00

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; 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 under Somerset County Cooperative.

Resolution #05-486 Award Bid – Beyer Brothers Corp. – F-450 Truck – Not to Exceed \$43,891.00.

WHEREAS, a notice to bidders for the receipt of bids for one (1) F-450 Pickup Truck was published in the Courier News on October 14, 2005 with a bid opening of October 25, 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 Corp.
109 Broad Avenue
Fairview, NJ 07022
One (1) F-450 Pickup Truck

Amount not to exceed \$43,891.00; 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 #05-487 Authorize Approval of Submission of Public Archives & Records Infrastructure Support (PARIS) Grant Application in the amount of \$40,000.00 to conduct an archives and records management needs assessment and strategic plan.

WHEREAS, the Township Council of the Township of Franklin has agreed to apply for a PARIS Grant in the amount of \$40,000.00; and

WHEREAS, the Township Council of the Township of Franklin is acknowledging and accepting the responsibility of acting as applicant for this grant; and

WHEREAS, the State of New Jersey has made PARIS grants available to assist county and municipal governments in their records management, preservation and storage efforts; and

WHEREAS, the purpose of this grant is to conduct an archives and records management needs assessment and strategic plan;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin that it hereby approves application for a PARIS Grant for the purpose cited above.

Resolution #05-488 Authorize Performance Bond Release – Praise Presbyterian Church – Site Improvements – Block 468.09/Lot 13 – 15 Cedar grove Lane - \$183,293.04.

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, reported that the paving and striping of the parking lot has been completed and 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 in the amount of \$183,203.04 be released to the above named applicant.

Resolution #05-489 Amend Resolution #05-426 – Municipal court Violations Bureau Bail in the Amount of \$1,446.00 by deleting Check # 20188 issued 01/06/05 in the amount of \$500.00.

WHEREAS, on October 11, 2005, the Township Council adopted Resolution #05-426 entitled, “Resolution – Municipal Court Violations Bureau Bail in the Amount of \$1,446.00”; and

WHEREAS, the Municipal Court Administrator turned over to the Township Treasurer Check #21726 in the amount of \$1,446.00 which represented various financial transactions in the bail account; and

WHEREAS, Check #20188 in the amount of \$500.00 has been claimed by the Surety;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, Somerset County, New Jersey that Resolution #05-426 is hereby amended as follows:

<u>Issued</u>	<u>Check No.</u>	<u>Amount</u>
02/04/04	19560	125.00
03/17/04	19648	500.00
03/17/04	19651	243.00
04/07/04	19704	65.00
05/05/04	19744	1.00
07/21/04	19888	4.00
10/07/04	20058	2.00
10/07/04	20060	3.00
03/09/05	20312	3.00
	Total	\$946.00

BE IT FURTHER RESOLVED that bails in the amended amount of \$946.00 hereby be turned over to the Township Treasurer.

INTRODUCTION OF FY2006 MUNICIPAL BUDGET

Ms. Danile moved to introduce the FY2006 Municipal Budget. Said motion was seconded by Ms. Eberle.

Mr. Daley explained there are a number of features in the FY2006 current fund proposed budget that make it unique in a positive sense. He stated that for years the Township has been working towards stabilization of its property taxes by cutting expenses and by finding sources of revenue other than property taxes. During the review of the FY2006 budget, Township Council examined the trends on the municipal portion of property taxes and found that the municipal portion of actual tax bills has been jumping up and down, and that budgetary measures to controls pending and tax increases were sometimes contributing to these fluctuations. (It should be noted that the municipal portion of local tax bills only accounts for about 16% of the total bill. Therefore, fluctuations in municipal taxes are only a part of the larger problem and control over the trends in municipal taxes will only affect a part of the tax bill.)

The following graph illustrates the municipal part of the problem and the policy solution to be initiated in the FY2006 budget.

Mr. Rainone explained that while the budget is referred to as a budget resolution, it requires two (2) readings, similar to an ordinance. All budgets must be approved, amended and adopted by resolution. Each resolution must be passed by not less than a majority of the full membership of the Governing Body. There must be 28 days between introduction and the public hearing. He explained that if the budget is not adopted in December, it would have to be re-introduced in January and adopted in February.

Mr. Rainone explained that an amendment requires a public hearing if the amendment:

- Adds a new line of appropriation in an amount in excess of one percent (1%) of the total amount of appropriations indicated in the approved budget;
- Increases or decreases any item of appropriation by more than ten percent (10%), or
- Increases the amount to be raised by taxation by more than five percent (5%), unless the amendment is made to include an emergency temporary appropriation only.

Deputy Mayor McKenzie asked what was different in the budget document they received tonight from their budget work papers. Mr. Daly explained the following:

<u>Description</u>	<u>Increases in Appropriations</u>	<u>Description</u>	<u>Decreases in Appropriations</u>
Mayor Council – League Conference	4,200.00	Note (off set by increase use of surplus)	
PFRS Pension	183,173.00	Note (off set by increase use of surplus)	
PERS Pension	54,540.00	Note (off set by increase use of surplus)	
Community Resources Temporary Personnel – Extend Summer Program Previous authorized by Council	10,000.00	Note (off set by increase use of surplus)	
Gasoline & Diesel Fuel	55,000.00	Move Redevelopment Admin. To OE as a consultant - \$55,000.00	
Natural Gas increase	37,000.00	Note (off set by increase use of surplus) (partially off set by police reductions \$8,000)	
Code Enforcement Overtime	58,000.00	Note (off set by construction code revenues \$58,000)	
		Police S&W	(18,000.00)
		Police Promotions – funded for ½ yr. – 2 Sgts. & 2 Lts.	
		Police S&W	(48,000.00)
		New Police hire reduced to ½ year	
Recreation Reimbursement – Senior Countertop & Island	5,620.00		
		Somerset Recycling Credit	(113,000.00)
Engineering – Printing of Street Maps	4,200.00		
Cash Capital – Document Imaging	500,000.00	Note (off set by construction code revenues)	
Total Additional Expenses	911,733.00		(179,000.00)

Ms. Danile explained that the Finance Oversight Committee held meetings and a lot of thought went into how to stabilize taxes and how to find the best alternative to find line-by-line reductions. Mayor Levine gave a brief overview and noted that the budget as submitted would cost the average taxpayer and additional \$50 per year.

A brief discussion ensued regarding the FY2006 Municipal Budget. Ms. Ashley-Williams stated that she is not prepared to introduce the budget at this time. Mayor Levine spoke of having all attorneys outsourced as opposed to being Township employees.

The Township Clerk explained the budget timeline regarding introduction, amendment and adoption. She stated that if the budget was introduced on November 22nd, the public hearing would have to be 28-days later (December 20). A special meeting would have to be held. If there were amendments to be made that meet the criteria explained by the Township Attorney earlier, the budget would have to be re-introduced in January and adopted in February.

After a brief discussion regarding the FY2006 Municipal Budget, Ms. Ashley-Williams moved to table the introduction of the FY2006 Municipal Budget until the November 22nd meeting. Said motion was seconded by Mr. Vassanella and carried unanimously upon call of the roll.

APPOINTMENT

Advisory Board of Health

Ms. Eberle moved the appointment of Deborah Redinger as a member of the Advisory Board of Health for an unexpired three-year term ending December 31, 2006. Said motion was seconded by Mr. Vassanella and carried unanimously upon call of the roll.

ADJOURNMENT

Ms. Ashley-Williams moved to adjourn the meeting at 10:31 p.m. Said motion was seconded by Ms. Eberle and carried unanimously upon call of the roll.

Approved:

Brian D. Levine, Mayor

Date:

Ann Marie McCarthy, Township Clerk