

REGULAR MEETING OF THE TOWNSHIP COUNCIL
TOWNSHIP OF FRANKLIN, SOMERSET COUNTY, NEW JERSEY
MAY 14, 2002

The Regular Meeting of the Township Council of the Township of Franklin, County of Somerset, New Jersey, held at 475 DeMott Lane, Somerset, New Jersey, was called to order by the Mayor at 8:09 P.M.

The Mayor read a statement indicating all requirements of P.L. 1975, Chapter 231 (The Open Public Meeting Act) had been met.

The Mayor led the entire assembly in the Pledge of Allegiance.

The invocation was given by Councilman Levine.

The Township Clerk called the roll.

Present: Mayor Eberle, Deputy Mayor Grippo, Ms. Barrier, Mr. Chivukula, Mr. Levine, Mr. McKenzie, Mr. Mettler, Mr. Sumter

Absent: Mr. Mazzola. Mr. Levine noted Mr. Mazzola's absence is because he is on active training with the Air Force Reserves. Ms. Barrier noted that Mr. Mazzola had been left a telephone message about calling in to participate in the meeting telephonically, but that he was undoubtedly involved in serving God and country in some way that did not allow him to respond.* Amended 6/13/02

Also present: Louis N. Rainone, Esq., Township Attorney, Kenneth W. Daly, Township Manager, Jean C. Pellicane, RMC, Township Clerk

MINUTES - WORK SESSION - 4/23/02; REGULAR MEETING 4/23/02

Motion was made by Deputy Mayor Grippo and seconded by Mr. Chivukula to approve the minutes of the Work Session and the Regular Meeting of April 23, 2002; motion was carried unanimously by those members of Council present at those meetings.

WARRANTS - MAY 14, 2002

Read by Township Clerk Pellicane

| | | |
|----|----------------------------|----------------------|
| 1 | Current Fund | 27,341,438.49 |
| 5 | Water Operating | 177,516.14 |
| 6 | Water Capital | 149,196.10 |
| 4 | General Capital | 330,712.84 |
| 15 | General Trust | 18,626.24 |
| 18 | Self Insurance Trust Fund | 8,848.93 |
| 21 | Recreation Trust | 4,098.64 |
| 12 | Open Space Trust | 284.59 |
| 2 | Grant Fund | 33,877.28 |
| 17 | Workers' Compensation | 1,225.00 |
| | Unemployment Trust | 0 |
| | Employee Payroll Deduction | 0 |
| 3 | Collector Trust | 88,772.38 |
| 14 | Dog Revenue | 195.00 |
| | Community Foundation | 0 |
| 22 | Payroll | 234,024.19 |
| 13 | Redevelopment Agency | 0 |
| 23 | Agency Payroll | 557,408.99 |
| | SUB-TOTAL | 28,946,224.81 |
| 25 | Escrow Account | 57,274.68 |
| 19 | Voided Checks | 0 |
| 20 | Adjustments | 0 |

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Motion was made by Deputy Mayor Grippo and seconded by Mr. Chivukula to approve the Warrants. Township Clerk Pellicane polled the Board, the vote being as follows:

| <u>AYES</u> | <u>AYES</u> | <u>NAYS</u> | <u>ABSTAIN</u> |
|---------------|--------------|-------------|----------------|
| Ms. Barrier | Mr. Levine | No One | No One |
| Mr. Chivukula | Mr. McKenzie | | |
| Mayor Eberle | Mr. Mettler | | <u>ABSENT</u> |
| Mr. Grippo | Mr. Sumter | | Mr. Mazzola |

Motion was carried.

LIQUOR LICENSE TRANSFER - PERSON TO PERSON - 1808-33-001-002 - BRENDY INN, INC. TO CAREFREE ENTERTAINMENT, INC.

Ron Aulenbach, Director of Engineering, appeared at the meeting on behalf of Carefree Entertainment, Inc.

Ms. Barrier moved to open the meeting for public discussion on this liquor license application. Deputy Mayor Grippo seconded the motion; motion was carried unanimously.

Mayor Eberle asked that persons who desire to speak give their names and addresses to the Township Clerk.

No one from the public spoke.

Motion was made by Deputy Mayor Grippo and seconded by Ms. Barrier to close the public hearing; motion was carried unanimously.

Mr. Levine expressed his concern about the potential development of the property on which this license was formerly sited and questioned the plans of the applicant. Mr. Aulenbach responded that the application is for the person to person transfer of the liquor license which will remain in an inactive status. No information on the plans of the property owner are known.

02-214 RESOLUTION - PERSON TO PERSON LIQUOR LICENSE TRANSFER CAREFREE ENTERTAINMENT, INCORPORATED - 1808-33-001-002**Read by Township Clerk Pellicane**

WHEREAS, an application has been filed for a person to person transfer of Plenary Retail Consumption License No. 1808-33-001-002, heretofore issued to Brendy Inn, Incorporated for an inactive, unsited license; and

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Franklin, County of Somerset and State of New Jersey does hereby approve effective **May 15, 2002** the transfer of the aforesaid Plenary Retail Consumption License to Carefree Entertainment, Incorporated and does hereby direct the Township Clerk to endorse the license certificate to the new

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ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to Carefree Entertainment, Incorporated effective May 15, 2002.

Motion was made by Mr. Chivukula and seconded by Mr. McKenzie. Township Clerk Pellicane polled the Board, the vote being as follows:

| <u>AYES</u> | <u>AYES</u> | <u>NAYS</u> | <u>ABSTAIN</u> |
|--------------------|--------------------|--------------------|-----------------------|
| Ms. Barrier | Mr. Levine | No One | No One |
| Mr. Chivukula | Mr. McKenzie | | |
| Mayor Eberle | Mr. Mettler | | <u>ABSENT</u> |
| Mr. Grippo | Mr. Sumter | | Mr. Mazzola |

Motion was carried.

OPPOSE S1044/A1926 - LEGALIZE THE USE OF PROJECT LABOR AGREEMENTS IN NEW JERSEY

Because of the potential discussion on this resolution and the numerous members of the public in the audience on the School Budget issue, Ms. Barrier requested that this resolution be deferred to the May 28th meeting. Council concurred with the request.

ORDINANCE HEARING - AMEND CODE - CHAPTER 112, DEVELOPMENT - HOME OCCUPATIONS (AS AMENDED AND HEARD ON APRIL 9, 2002)

Motion was made by Mr. Chivukula and seconded by Ms. Barrier to carry the adoption of this ordinance to June 13, 2002; motion was carried unanimously.

ORDINANCE HEARING - BOND ORDINANCE - WATERLINE CLEANING AND RELINING PHASE VII - \$1,850,955.00

Township Clerk Pellicane read by title:

"BOND ORDINANCE PROVIDING FOR THE CLEANING AND RELINING OF CAST IRON WATER PIPES (PHASE VII, BY THE WATER UTILITY IN AND OF THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY (THE "TOWNSHIP")); APPROPRIATING \$1,850,955 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,850,955 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE THE COST THEREOF". Township Clerk Pellicane noted that the Township Attorney has approved the Affidavit of Publication and that a public hearing on the ordinance is in order.

Motion was made by Ms. Barrier and seconded by Mr. Mettler to open the public hearing; the motion was carried unanimously.

The Mayor then asked for persons desiring to speak to give their names and addresses to the Clerk.

No one from the public spoke.

Motion was made by Mr. Sumter and seconded by Deputy Mayor Grippo to close the public hearing; motion was carried unanimously.

Motion was made by Mr. Mettler and seconded by Mr. Chivukula to adopt and publish notice of final passage in accordance with law.

The Clerk polled the Board, the vote being as follows:

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| <u>AYES</u> | <u>AYES</u> | <u>NAYS</u> | <u>ABSTAIN</u> |
|--------------------|--------------------|--------------------|-----------------------|
| Ms. Barrier | Mr. Levine | No One | No One |
| Mr. Chivukula | Mr. McKenzie | | |
| Mayor Eberle | Mr. Mettler | | <u>ABSENT</u> |
| Mr. Grippo | Mr. Sumter | | Mr. Mazzola |

Motion was carried.

ORDINANCE HEARING –ACCEPT ROAD DEDICATION - C. THOMAS & OLGA DEL CASALE - BENNETTS LANE

Township Clerk Pellicane read by title:

"AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, AUTHORIZING ACCEPTANCE OF ADDITIONAL RIGHT OF WAY WIDTH - BENNETTS LANE - C. THOMAS & OLGA DEL CASALE - BLOCK 88.02/LOT 34.01". Township Clerk Pellicane noted that the Township Attorney has approved the Affidavit of Publication and that a public hearing on the ordinance is in order.

Motion was made by Mr. Chivukula and seconded by Ms. Barrier to open the public hearing; the motion was carried unanimously.

The Mayor then asked for persons desiring to speak to give their names and addresses to the Clerk.

No one from the public spoke.

Motion was made by Mr. Sumter and seconded by Ms. Barrier to close the public hearing; motion was carried unanimously.

Motion was made by Mr. Chivukula and seconded by Mr. Sumter to adopt and publish notice of final passage in accordance with law.

The Clerk polled the Board, the vote being as follows:

| <u>AYES</u> | <u>AYES</u> | <u>NAYS</u> | <u>ABSTAIN</u> |
|--------------------|--------------------|--------------------|-----------------------|
| Ms. Barrier | Mr. Levine | No One | No One |
| Mr. Chivukula | Mr. McKenzie | | |
| Mayor Eberle | Mr. Mettler | | <u>ABSENT</u> |
| Mr. Grippo | Mr. Sumter | | Mr. Mazzola |

Motion was carried.

PUBLIC DISCUSSION

Deputy Mayor Grippo, noting that he is a public school principal, requested an opinion on his participation in discussions on the school budget from Township Attorney Rainone. Township Attorney Rainone responded that opinions by State and Local Ethics Boards indicate that Deputy Mayor Grippo is unable to participate in discussion or decision on school budget.

Deputy Mayor Grippo left the dais at this time.

Mayor Eberle asked that persons who desired to speak on issues other than the School Budget to give their names and addresses to the Township Clerk.

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Lucretia Cortelyou, 1892 Amwell Road:

1. Noted that at the public hearing on the Middlebush By-Pass, there were many residents opposed to the By-Pass because of its adverse impact on residential areas and the quality of life for the residents. The residents were of the understanding that their questions would be answered by Township experts in attendance. The questions were not answered and the experts were all in favor of construction of the By-Pass and the localized improvements. While Ms. Cortelyou agrees with the need to relieve the traffic problems of the residents of South Middlebush Road, these same problems should not be passed on to other residential area.
2. Noted that the creation of a direct route from Route 1 to Route 287 will invite increased truck traffic and, while Sgt. Vornlocker of the FTPD noted that County roads are designed for truck traffic, there are no signs designating them as truck routes.
3. Noted that the experts testified that the By-Pass may or may not increase traffic on Cedar Grove Road but could provide no guarantees.
4. Questioned the ability to reconfigure the intersection of Amwell Road and Cedar Grove Road into a "T" intersection.
5. Noted the impact of the By-Pass which would go through open space and farm land and suggested that public transportation should be explored before new roads are constructed to lower the quality of life for residents.

John Grosso, 61 Hollywood Avenue:

1. Requested an update on the water emergency plan to provide water to residents if wells go dry. Township Manager Daly advised that the Council is considering tightening the State water restrictions and a resolution appears on the agenda for this evening. Neither the State nor County has plans for such a situation and there is need to be conserving water now to avoid the problem since we are still 1" behind in annual rainfall.
2. Questioned the possibility of using Water Utility Surplus funds to extend public water lines to highly developed areas using wells. Township Manager Daly responded that the Council has discussed this issue and has requested a map indicating the areas and information on what is needed to extend the water. The extension of water lines was not pursued in the past because the Township does not have a mandatory water tie-in ordinance, the connection fees from which pay for the water line construction. Water Utility Surplus Funds have been used to supplement the cost of purchasing water and to avoid a cost increase for water users.
3. Questioned the reason for the additional \$82,000 allocation for legal fees to the Township Attorney. Township Manager Daly and Township Attorney Rainone responded that the Township has been involved in more litigation and more tax appeals in 2002.
4. Questioned the purpose of the ordinance and resolution regarding Refunding Bonds. Township Manager Daly responded that the ordinance authorizes the Township to refinance its current debt to get reduced interest rates. The resolution authorizes the Township to file an application with the State Local Finance Board for permission to do the refinancing.

Herbert Hickey, 310 DeMott Lane, spoke in reference to traffic problems and the dangerous condition of many Township roadways.

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There being no other persons wishing to speak on general issues, Mayor Eberle asked those persons who desired to speak on the school budget give their names and addresses to the Township Clerk.

Eva Nagy, President of the Board of Education and resident of 231 Berger Street, spoke in objection to the proposed \$1.4 million reduction of the School 2002-2003 Budget by the Township Council, noting the negative impact such cuts would have on the operation of the school system and the ability of the Board of Education to provide quality education to all students. The cuts would have particular impact on the needs of special education students and would not allow for the anticipated growth in enrollment resulting from the extensive new residential development in the Township. Ms. Nagy noted reductions in the total amount of \$610,000 with which the Board could function properly.

The following persons spoke in concurrence with the comments of Ms. Nagy on the 2002-2003 School budget:

Laidi Belo-Osagie, 8 Concord Drive
 Dr. Davani, School Psychologist
 Susan Maurer, 23 Alton Drive
 Nancy Repetto, 2 Doria Road
 Ellie Hoeflinger, 6 Hilltop Lane
 Chet Varner, Social Studies Teacher/President of FTEA
 Andrew Holzheimer, 16 Gunther Loop
 Michael Orsini, 24 Nepote Place
 Clementine Young, 208 Matilda Avenue
 Brian Regan, 15 Gunther Loop
 Cynthia Burwell, 8 Kirby Lane
 Julio Hernandez, 20 Atlantic Road
 Robert Beals, 6 Alma Court
 Theresa Wade, 174 Dutton Street
 Kim Thorne, 8 Barker Road
 Eddie Webb, 26 Tamarack Road, Board of Education Member

Motion was made by Mr. Levine and seconded by Mr. Sumter to close the public portion of the meeting; motion was carried unanimously.

Council took a recess from 10:01 p.m. to 10:26 p.m. with all members previously present returning except Deputy Mayor Grippo.

SCHOOL BUDGET - 2002-2003/REAFFIRMATION OF VOTER DEFEAT OF REFERENDUM QUESTION NO. 2 - BUSING

Motion was made by Mr. Levine and seconded by Ms. Barrier to amend the agenda to consider the 2002-2003 School Budget at this time. Motion was carried unanimously.

Mr. Chivukula moved to amend the proposed resolution to provide for a \$1 million reduction in the 2002-2003 School Budget as proposed by the Board of Education. Ms. Barrier seconded the motion.

Mr. McKenzie moved to amend Mr. Chivukula's motion to provide for an \$850,000 reduction in the 2002-2003 School Budget as proposed by the Board of Education. Mr. Sumter seconded the motion.

The Clerk polled the Council on the motion to amend the motion, the vote being as follows:

AYES**NAYS****ABSTAIN****ABSENT**

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| | | | |
|--------------|---------------|--------|--------------------------|
| Mayor Eberle | Ms. Barrier | No One | Mr. Grippo (out of room) |
| Mr. Levine | Mr. Chivukula | | Mr. Mazzola |
| Mr. McKenzie | Mr. Mettler | | |
| Mr. Sumter | | | |

Motion was carried. The resolution was amended accordingly.

02-246 RESOLUTION - BOARD OF EDUCATION 2002-03 SCHOOL BUDGET**Read by Township Clerk Pellicane**

WHEREAS, the legal voters of the School District of the Township of Franklin, in the County of Somerset and State of New Jersey, at an Annual District Election Meeting conducted by the Board of Education on April 16, 2002, defeated, disapproved and rejected the Budget of the said Board of Education for the School Year 2002-03 of those voting; and

WHEREAS, as a result of such rejection of said Budget, the legal obligation devolved upon the Governing Body of the Township of Franklin pursuant to Revised Statute 18:22-37 to certify to the Somerset County Board of Taxation the amount or amounts which it determines necessary to provide a thorough and efficient system of schools of said district for the school year beginning July 1, 2002 and ending June 30, 2003; and

WHEREAS, the voters rejected the following:

- | | | |
|----|--|-----------------|
| 1. | General Fund Tax Levy | \$69,942,605.00 |
| 2. | General Fund Additional Tax Levy - Student Transportation Courtesy Busing | \$1,750,000.00 |

WHEREAS, the Township Council of the Township of Franklin, Somerset County, after considering and reviewing the budget of the Board of Education as originally proposed is of the opinion that said budget, item 1 above, should be reduced by \$850,000.00 of various General Fund appropriations, and item 2 above is decreased to zero (0), and that the amounts included in this section in their resolution are deemed to provide a thorough and efficient system of school and education in said district for the school year 2002-03;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset, State of New Jersey, that the Franklin Township Board of Education Budget Tax for the 2002-03 School Year be reduced as follows:

- | | | |
|----|--|----------------|
| A. | General Fund Tax Levy | \$ 850,000.00 |
| B. | General Fund Additional Tax Levy Student Transportation Courtesy Busing | \$1,750,000.00 |

BE IT FURTHER RESOLVED that the following amounts are required to provide a thorough and efficient system of school and education in the district for School Fiscal Year 2002-03 and that the following total sums are to be raised by taxes to support the 2002-03 Budget:

| | |
|---------------------|------------------------|
| GENERAL FUND | \$69,092,605.00 |
| DEBT SERVICE | 5,868,844.00 |

BE IT FURTHER RESOLVED by the Township Council of the Township of Franklin that the attached detailed sheet of taxes for the 2002-03 Board of Education Budget and the 2002 Tax Levy are required; and

BE IT FURTHER RESOLVED that certified copies of this resolution be delivered to the Somerset County Board of Taxation and the Franklin Township Board of Education; and

BE IT FURTHER RESOLVED that attached hereto is a list of accounts and proposed reduction in said accounts, which list is incorporated herein and made part hereof:

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AND APPROPRIATION DECREASES**

| <u>Account Name</u> | <u>Account Number</u> | <u>Budget Reduction</u> |
|--|------------------------------|--------------------------------|
| Revenue Increases: | | |
| 1. Utilize additional fund balance. Adequate fund balance remaining after additional utilization factor. | | |
| Budgeted Fund Balance – General Fund | 10-303 | \$300,000.00 |
| Appropriation Decreases: | | |
| 1. Eliminate or reduce non-instructional budgeted vacant positions. | | |
| Salaries of Supervisors of Instruction | 11-000-221-102 | \$ 30,000.00 |
| Salaries – Oper. & Maint. of Plant | 11-000-262-100 | \$ 30,000.00 |
| Salaries of Other Professional Staff | 11-000-219-104 | \$ 30,000.00 |
| 2. Reduce enrollment estimates of 336 for Charter School based upon recent enrollment trends. | | |
| Transfer of Funds to Charter School | 10-000-100-56X | \$100,000.00 |
| 3. Reduce projected increase in health benefits. | | |
| Health Benefits | 11-000-291-270 | \$130,000.00 |
| 4. Review existing and proposed transportation routes for efficiencies and savings. | | |
| Contractual Services - Vendors | 11-000-270-511 | \$100,000.00 |
| 5. Fill vacant principal position through realignment of administrative functions and positions. | | |
| Salaries of Principals/Asst. Principals. | 11-000-240-103 | \$100,000.00 |
| 6. Reduce funding for administrative conferences. | | |
| Support Services – Gen. Admin. | | |
| Miscellaneous | 11-000-230-890 | \$10,500.00 |
| Support Services – School Admin. | | |
| Other Objects | 11-000-240-800 | \$4,500.00 |
| 7. Evaluate software licensing for savings and reduce printer purchases. | | |
| Regular Instruction – General Supplies | 11-190-100-610 | \$15,000.00 |

SCHEDULE OF TAX REQUIREMENTS

| | AMOUNT REQUIRED FOR FISCAL YEAR 2002-2003 | AMOUNT TO BE INCLUDED IN 2002 TAX LEVY |
|---|---|--|
| 1. General Fund | \$69,092,605.00 | \$66,464,966.00 |
| 2. Debt Service Fund | \$5,868,844.00 | \$5,861,805.50 |
| 3. Total Approved by Township Council | | \$72,326,771.50 |
| 4. Local District School Levy for 2002-2003 | \$74,961,449.00 | \$72,326,771.50 |

Township Clerk Pellicane polled the Board, the vote being as follows:

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Mayor Eberle
Mr. Levine

AYES

Mr. McKenzie
Mr. Mettler
Mr. Sumter

NAYS

Ms. Barrier

ABSTAIN

Mr. Chivukula

ABSENT

Mr. Grippo (out of room)
Mr. Mazzola

Motion was carried.

Deputy Mayor Grippo returned to the dais at this time.

Mr. Levine noted that he is pleased with input from public received this evening and the need for each member of Council to weigh the comments and weigh their conscience as the representative of all voters and all residents. He has visited schools, attended programs and was surprised at the quality despite the public perception. In response to questions, he was advised that other school districts pay higher salaries. Many expenses of the Board of Education are the result of state and federal mandates without state or federal payment. State Aid has been decreased to all school districts across the board without consideration of needs or growth, and there is need to reform the system of supporting public schools in New Jersey.

Ms. Barrier also thanked the members of the public for their comments, but expressed concern that there were no opposing comments, in light of the fact that the School Budget had been defeated by 1860 to 1349 votes. In answer to charges from the public there present that Council members didn't appear this evening to even care or to be sincerely interested in the issue or listening, Ms. Barrier responded that while she was not sitting out in the auditorium and couldn't see what the public saw, she could attest to the fact that during the Council's deliberations over these necessary school budget cuts, Council has been extremely concerned, and has handled the issue in an interested way, representing all residents as well as all the children. To charges made by the public there present that Council members didn't know what went on in the schools, that they didn't come out to see, Ms. Barrier responded that while she and other Council members certainly don't know as much about what goes on in the schools and the school system as the parents and school employees do - that's not Council's job! - she for one had participated in and at a number of school programs and events, such as reading in the classroom during Dr. Seuss' day and attending some of the find holiday musical concerts put on by our talented young people. While the administration of the schools is not under the jurisdiction of the Council, when the budget fails the Council has the charge to make the decision on how much is to be cut from the budget. In her day job as a real estate agent, Ms. Barrier said she was often pained finding that she had to defend the Franklin school system to potential residents and to residents of other municipalities, and she encouraged the School Board to work harder to get more of the registered voters out to vote in school budget elections. Ms. Barrier noted that she seconded the motion for a \$1 million reduction, a reasonable reduction from a \$74+ million budget - the number in front of her, although she understood that it was actually more - when the voters had defeated the budget by such a large percentage and at a time when all households and industry are cutting expenses. She has supported tax reform in New Jersey to find other ways to fund education; including getting a resolution passed unanimously by the Council to ask the State Legislature to find another way, other than property taxes, to fund education in New Jersey. And she has tried to help educational funding and taxpayers alike in Franklin and the State of New Jersey by getting a resolution unanimously passed by the Council requesting that the Federal government start to pay the other 27-28% of the funding promised in the Individual Disabilities Educational Act (IDEA), passed by Congress in 1975, in which Congress promised to pay 40% of the costs for these mandates but has only been paying about 12-13%. * Amended 6/13/02

Mr. Mettler expressed his appreciation for the public comments and his appreciation for the fine job and great opportunities offered to students by our school system. He is also frustrated with the method used in the state to finance public education. Mr. Mettler noted that comments on the value of increased property values is a two-edged sword, resulting in high taxes for property owners.

Mr. Chivukula noted that while New Jersey's funding method is not the best, if funding came from other sources, years with tax problems would result in bigger problems. There is need for an alternative method and that avenue is being explored. Increased assessments do not

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increase taxes; taxes are increased by increased expenditure. Tax increases are difficult for people living on fixed incomes or who have lost jobs. The Township has the responsibility to collect all the taxes, including those for the Board of Education, and therefore is blamed for increases. The Council can only specify the bottom line cut; the Board of Education will make the final decision on what items will be cut.

Mr. Sumter noted that the school budget was a difficult decision but he is pleased with the compromise reached.

Mr. McKenzie concurred with Mr. Sumter and noted the sparse attendance at meetings when the Board of Education explained their budget proposal to the voters. Mr. McKenzie noted the need to educate the voters on the needs of the school district and encourage residents to vote at school elections.

Mayor Eberle concurred with the need to educate the voters and get the voters to vote at school elections.

ORDINANCE INTRODUCTION - AMEND CODE - CHAPTER 226, VEHICLES & TRAFFIC - SECTION 226-10, STOPPING/STANDING PROHIBITED - 15TH STREET & WILLOW AVENUE

Township Clerk Pellicane read by title:

"AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 226, VEHICLES AND TRAFFIC - SECTION 226-10, NO STOPPING/STANDING (15TH STREET & WILLOW AVENUE)" which is presented to Council for adoption on first reading, posting, publication in accordance with law for public hearing on June 13, 2002.

Deputy Mayor Grippo so moved. Mayor Eberle seconded the motion. Township Clerk Pellicane polled the Board, the vote being as follows:

| <u>AYES</u> | <u>AYES</u> | <u>NAYS</u> | <u>ABSTAIN</u> |
|---------------|--------------|-------------|----------------|
| Ms. Barrier | Mr. Levine | No One | No One |
| Mr. Chivukula | Mr. McKenzie | | |
| Mayor Eberle | Mr. Mettler | | <u>ABSENT</u> |
| Mr. Grippo | Mr. Sumter | | Mr. Mazzola |

Motion was carried.

ORDINANCE INTRODUCTION - AMEND BOND ORDINANCE - NO. 3256 - ACQUISITION OF OPEN SPACE AND FARMLAND PRESERVATION - \$14,400,000.00 (ADD TULIPWOOD, CARROLL, FRANKLIN FIELDS/NO CHANGE IN AMOUNT)

Township Clerk Pellicane read by title:

"BOND ORDINANCE AMENDING BOND ORDINANCE NUMBER 3256 HERETOFORE FINALLY ADOPTED BY THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY (THE "TOWNSHIP"), ON DECEMBER 11, 2001 ENTITLED, "BOND ORDINANCE PROVIDING FOR THE PAYMENT OF THE PURCHASE PRICE FOR THE ACQUISITION OF LANDS FOR OPEN SPACE AND FARMLAND PRESERVATION, ALL LAWFUL AND PUBLIC PURPOSES, BY AND IN THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$14,400,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$13,680,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF" TO AMEND THE DESCRIPTION THEREOF" which is presented to Council for adoption on first reading, posting, publication in accordance with law for public hearing on June 13, 2000.

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Deputy Mayor Grippo so moved. Mr. Sumter seconded the motion. Township Clerk Pellicane polled the Board, the vote being as follows:

| <u>AYES</u> | <u>AYES</u> | <u>NAYS</u> | <u>ABSTAIN</u> |
|--------------------|--------------------|--------------------|-----------------------|
| Ms. Barrier | Mr. Levine | No One | No One |
| Mr. Chivukula | Mr. McKenzie | | |
| Mayor Eberle | Mr. Mettler | | <u>ABSENT</u> |
| Mr. Grippo | Mr. Sumter | | Mr. Mazzola |

Motion was carried.

ORDINANCE INTRODUCTION - ACQUISITION - TULIPWOOD, CARROLL, FRANKLIN FIELDS - BLOCK 347/LOT 8, 1164 HAMILTON STREET - OPEN SPACE AND HISTORIC PRESERVATION PURPOSES

Township Clerk Pellicane read by title:

"AN ORDINANCE TO ACQUIRE BY PURCHASE OR CONDEMNATION CERTAIN LANDS WITHIN THE TOWNSHIP OF FRANKLIN, SOMERSET COUNTY FOR PARKS AND CONSERVATION PURPOSES - BLOCK 347/LOT 8, 1165 HAMILTON STREET (TULIPWOOD/CARROLL/FRANKLIN FIELDS L.P.)" which is presented to Council for adoption on first reading, posting, publication in accordance with law for public hearing on June 13, 2002.

Ms. Barrier so moved. Mr. Levine seconded the motion. Township Clerk Pellicane polled the Board, the vote being as follows:

| <u>AYES</u> | <u>AYES</u> | <u>NAYS</u> | <u>ABSTAIN</u> |
|--------------------|--------------------|--------------------|-----------------------|
| Ms. Barrier | Mr. Levine | No One | No One |
| Mr. Chivukula | Mr. McKenzie | | |
| Mayor Eberle | Mr. Mettler | | <u>ABSENT</u> |
| Mr. Grippo | Mr. Sumter | | Mr. Mazzola |

Motion was carried.

ORDINANCE INTRODUCTION - BOND ORDINANCE - REFUNDING BONDS HERETOFORE ISSUED - \$9,400,000

Township Clerk Pellicane read by title:

"REFUNDING BOND ORDINANCE AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$9,400,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING BONDS CONSISTING OF NOT TO EXCEED \$3,600,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL IMPROVEMENT REFUNDING BONDS, SERIES 2002A AND NOT TO EXCEED \$5,800,000 AGGREGATE PRINCIPAL AMOUNT OF WATER UTILITY REFUNDING BONDS, SERIES 2002A, BY THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY FOR THE PURPOSE OF REFUNDING CERTAIN BONDS HERETOFORE ISSUED BY THE TOWNSHIP, AND APPROPRIATING THE PROCEEDS OF SUCH REFUNDING BONDS TO SUCH PURPOSE" which is presented to Council for adoption on first reading, posting, publication in accordance with law for public hearing on June 13, 2002.

Deputy Mayor Grippo so moved. Mr. Sumter seconded the motion. Township Clerk Pellicane polled the Board, the vote being as follows:

| <u>AYES</u> | <u>AYES</u> | <u>NAYS</u> | <u>ABSTAIN</u> |
|--------------------|--------------------|--------------------|-----------------------|
| Ms. Barrier | Mr. Levine | No One | No One |
| Mr. Chivukula | Mr. McKenzie | | |

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Mayor Eberle
Mr. Grippo

Mr. Mettler
Mr. Sumter

ABSENT

Mr. Mazzola

Motion was carried.

ORDINANCE INTRODUCTION - AMEND CODE - CHAPTER 112, DEVELOPMENT - SECTION 112-32.04, RENAISSANCE 2000 REDEVELOPMENT PLAN - SUBSECTION I, LAND USE PLAN, PARAGRAPH 5, GATEWAY COMMERCIAL - SUBPARAGRAPH b, PRINCIPAL PERMITTED USES (ADD APARTMENTS ABOVE BUSINESSES FRONTING ON FRANKLIN BOULEVARD)

Township Clerk Pellicane read by title:

"AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, SOMERSET COUNTY, NEW JERSEY, MORE PARTICULARLY CHAPTER 112, DEVELOPMENT - SECTION 112-32.04, RENAISSANCE 2000 REDEVELOPMENT PLAN - SUBSECTION I, LAND USE PLAN, PARAGRAPH 5, GATEWAY COMMERCIAL - SUBPARAGRAPH B, PRINCIPAL PERMITTED USES (ADD APARTMENTS ABOVE BUSINESSES FRONTING ON FRANKLIN BOULEVARD)" which is presented to Council for adoption on first reading, posting, publication in accordance with law for public hearing on June 13, 2002.

Deputy Mayor Grippo so moved. Mr. Sumter seconded the motion. Township Clerk Pellicane polled the Board, the vote being as follows:

| <u>AYES</u> | <u>AYES</u> | <u>NAYS</u> | <u>ABSTAIN</u> |
|--------------------|--------------------|--------------------|-----------------------|
| Ms. Barrier | Mr. Levine | No One | No One |
| Mr. Chivukula | Mr. McKenzie | | |
| Mayor Eberle | Mr. Mettler | | <u>ABSENT</u> |
| Mr. Grippo | Mr. Sumter | | Mr. Mazzola |

Motion was carried.

RESOLUTION - AMENDED CONSENT AGENDA

Read by Township Clerk Pellicane

The items listed within the Amended Consent Agenda portion of this meeting have been referred to the Township Council for reading and study, are considered routine and will be enacted by one motion of the Township Council with no separate discussion. If separate discussion is required, the item may be removed from the agenda by request of a Township Council member and placed on the regular agenda.

A. Tax Title Lien Redemptions:

Taylor – Block 34.04/Lot 8.01 C0125 - \$593.87 – 93 Pear Tree Lane
 Davis – Block 85/Lot 56.03 C0162 - \$1,772.19 – 162 Kingsberry Drive (2000)
 Davis – Block 85/Lot 56.03 C0162 - \$14,356.38 – 162 Kingsberry Drive (2001)
 Heard – Block 89.01/Lot 1.01 C0802 - \$6,332.06 – 27 Clyde Road
 Triggs – Block 142/Lot 31 - \$2,320.17 – 23 Millstone Road (1997)
 Triggs – Block 142/Lot 31 - \$4,517.36 – 23 Millstone Road (1998)
 Triggs – Block 142/Lot 31 - \$7,300.81 – 23 Millstone Road (1999)
 Triggs – Block 142/Lot 31 - \$305.12 – 23 Millstone Road (2000)
 Urias – Block 171.02/Lot 28 - \$3,864.97 – 101 Douglas Avenue
 Vinson – Block 336/Lot 13 - \$1,772.19 – 18 Indiana Road
 Chiles – Block 340/Lot 1.01 - \$7,843.20 – 272 Lenox Place
 Smith – Block 386.17/Lot 238 - \$12,986.78 – 238 McAuliffe Court
 Shah – Block 417.02/Lot 22 - \$621.75 – 22 Nottingham Way
 Miller – Block 424.11/Lot 10 - \$24,265.64 – 3 Corwen Court

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Kelly – Block 528.04/Lot 155 - \$592.08 – 306 St. James Place

- B. Tax Remittals – Township of Franklin
- C. Tax Overpayments – Various
- ~~D. Budget – FY2002 Insertion – Family Planning Outreach Grant – \$507.00~~
- E. Budget – FY2002 Insertion – 2002 Summer Lunch Program - \$4,111.71
- F. Budget – FY2002 Appropriation Transfers
- G. Authorize Application to Local Finance Board to participate in Environmental Infrastructure Trust and Approve Application
- H. Authorize Application to Local Finance Board to Approve Application for \$9,400,000 Refunding Bonds
- I. Bid Award – Owl Contracting – Street Resurfacing, Milling and Curb Replacement - \$548,803.75
- J. Bid Award – Buist, Inc. – Maintenance of HVAC Systems – All Municipal Buildings - \$46,366.00 – 6/1/02 to 5/31/03
- K. Purchase – Major Police Supply – Accessories for New Police Vehicles – Prisoner Transport Seats with installation - \$4,920.00 – State Contract/Through Somerset County Improvement Authority
- L. Purchase – Major Police Supply – Accessories for Unmarked Police Vehicles - \$7,412.13 – State Contract
- M. Purchase – Game Time – Playground Equipment and Accessories/Bascom, Nassau and DeLar Parks - \$144,095.00 – State Contract
- N. Contract – Innovative Business Services, Inc. – On-call Printing Services - \$3,000 – Extend Control 5/1/02 to 6/30/02
- O. Agreement – New Brunswick Schools Food Service – Summer Food Service Program - \$4,052.75
- P. Agreement – Franklin Township Sewerage Authority – Repair and Paving of Roads/Griggstown - \$145,000.00
- Q. Agreement – Pulte Construction Co. – Developer’s Agreement
- R. Escrow Release – Special Event Permit – Franklin Township Food Bank - \$300.00
- S. Escrow Release – Inspection Fees:
John Wiley & Son - \$561.07
- T. Escrow Release – Plan Review:
Anthony Glennon - \$1,737.50
Theodore & Susan Wright - \$1,662.50
- U. Performance Bond Release – John Wiley & Son – Docket #P2000019PD - \$232,250.00
- V. CDBG 2002-2004 Consolidated Plan and 2002 Action Plan
- W. Grant Application – Raritan River Watershed Association – Environmental Commission/Identify and Assess Streams - \$2,500.00

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- X. Grant Agreement – New Jersey Transit Corporation – Operating of Local Shuttle Motor Bus Passenger Service and Equipment Lease – 2002 to 2008 -
- Y. Discharge of CDBG Mortgage – Rapp – Block 196/Lots 1-5 – Retain Mortgage on Block 196/Lots 6 & 7
- Z. Discharge of COAH Affordable Housing Mortgage – Duratz to Izzo – Block 34.08/Lot 54.01 C4219 – 233 Rachel Court
- AA. Authorize Raffle/Bingo Licenses
- BB. Special Event Permit – Franklin Park Senior Citizens Club – Flea Market – Municipal Complex – September 21, 2002
- CC. Support Preemption Devices requested by Commissioners of Fire District No. - Easton Avenue/Cedar Grove Road Intersection & New Brunswick Road/Cedar Grove Lane Intersection
- DD. Recognize Firemen’s Mutual Benevolent Association (FMBA) – Bargaining Representative – Fire Prevention/Dispatch employees
- EE. **[Permission to Central New Jersey Jewish Home for the Aged – Use of Municipal Complex Parking – June 2, 2002]**
- FF. **[Amend Professional Service Agreement – Louis Rainone, Township Attorney – Legal Services – 1/1/02 to 12/31/02 – additional \$82,000]**

Mr. McKenzie questioned Consent Agenda Item O and why the Township is contracting with the New Brunswick School System for the summer nutrition program instead of using our own school system. Deputy Mayor Grippo responded that our school does not provide food services during the summer.

Mr. McKenzie questioned the funding arrangement in Consent Agenda Item P. Township Manager Daly responded that the cost of the road repair is proportioned between the need to correct pre-existing conditions on Griggstown roads and the damage created by the Sewerage Authority’s construction program.

Deputy Mayor Grippo commended Provision 5 of the agreement authorized by Consent Agenda Item Q which requires Pulte Home Corporation to contribute \$50,000 to the trust fund for fire/emergencies services.

A. 02-215 RESOLUTION - TAX TITLE LIEN REDEMPTION - OUTSIDE BUYER

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

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

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

| <u>DATE OF SALE</u> | <u>BLOCK/LOT</u> | <u>NAME</u> | <u>AMOUNT</u> |
|----------------------------|-------------------------|---|----------------------|
| June 8, 2000 | 34.04/8.01 C0125 | TAYLOR SAMUEL P. III 93 Pear Tree Lane Franklin Park NJ 08823 | \$ 593.87 |
| PAID: | April 19, 2002 | CERT #20-143 | |

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| | | | |
|--------------------|--|--|-------------|
| LIENHOLDER: | Mooring Tax Asset Group | | |
| | PO Box 281856 | Atlanta GA 30384-1856 | |
| June 8, 2000 | 85/56.03 C0162 | DAVIS, CHERYL A. 162 Kingsberry Drive Somerset NJ 08873 | \$ 1,772.19 |
| PAID: | April 15, 2002 | CERT #20-140 | |
| LIENHOLDER: | Malden Associates | | |
| | PO Box 5600 | Woodbridge NJ 07095 | |
| June 7, 2001 | 85/56.03 C0162 | DAVIS, CHERYL A. 162 Kingsberry Drive Somerset NJ 08873 | \$14,356.38 |
| PAID: | April 15, 2002 | CERT #01-135 | |
| LIENHOLDER: | Phoenix Funding | | |
| | 191 Glen Road | Mountainside NJ 07092 | |
| June 7, 2001 | 89.01/1.01 C0802 | HEARD, GRAIG & M. 2 Alcott Way Succasunna NJ (27 Clyde Road) | \$ 6,332.06 |
| PAID: | April 22, 2002 | CERT #01-03 | |
| LIENHOLDER: | American Tax Funding | | |
| | PO Box 862658 | Orlando FL 32886-2658 | |
| April 10, 1997 | 142/31 | TRIGGS, ARTHUR JR. 23 Millstone Road Somerset NJ 08873 | \$ 2,320.17 |
| PAID: | April 11, 2002 | CERT #97-83 | |
| LIENHOLDER: | FUNB CT/M.D. SASS II | | |
| | 123 South Broad St., PA 1328 | Philadelphia PA 19109 | |
| June 11, 1998 | 142/31 | TRIGGS, ARTHUR JR. 23 Millstone Road Somerset NJ 08873 | \$ 4,517.36 |
| PAID: | April 11, 2002 | CERT #98-34 | |
| LIENHOLDER: | FUNB CT/M.D. SASS II | | |
| | 123 South Broad St., PA 1328 | Philadelphia PA 19109 | |
| June 10, 1999 | 142/31 | TRIGGS, ARTHUR JR. 23 Millstone Road Somerset NJ 08873 | \$ 7,300.81 |
| PAID: | April 11, 2002 | CERT #99-69 | |
| LIENHOLDER: | FUNB CT/M.D. SASS II | | |
| | 123 South Broad St., PA 1328 | Philadelphia PA 19109 | |
| June 8, 2000 | 142/31 | TRIGGS, ARTHUR JR. 23 Millstone Road, Somerset NJ 08873 | \$ 305.12 |
| PAID: | April 11, 2002 | CERT #20-54 | |
| LIENHOLDER: | FUNB CT/M.D. SASS II | | |
| | 123 South Broad St., PA 1328 | Philadelphia PA 19109 | |
| June 7, 2001 | 171.02/28 | URIAS, MARIO & CARMEN 222 South 10 th Avenue Highland Park NJ 08904 (101 Douglas Avenue) | \$ 3,864.97 |
| PAID: | April 18, 2002 | CERT #01-105 | |
| LIENHOLDER: | National Tax Assistance Corporation | | |
| | 30 Federal Street | Boston MA 02110 | |

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| | | | |
|--------------------|---|---|-------------|
| June 8, 2000 | 336/13 | VINSON, O. & TREADWELL, M. 18 Indiana Road Somerset NJ 08873 | \$ 1,772.19 |
| PAID: | April 15, 2002 | CERT #20-140 | |
| LIENHOLDER: | Malden Associates PO Box 5600 | Woodbridge NJ 07095 | |
| June 7, 2001 | 340/1.01 | CHILES, ELLA & CHILES, CON. 272 Lenox Place Somerset NJ 08873 | \$ 7,843.20 |
| PAID: | April 22, 2002 | CERT #01-139 | |
| LIENHOLDER: | Phoenix Funding 191 Glen Road | Mountainside NJ 07092 | |
| June 7, 2001 | 386.17/238 | SMITH, ARTHUR JR. 238 McAuliffe Court Somerset NJ 08873 | \$12,986.78 |
| PAID: | April 24, 2002 | CERT #01-13 | |
| LIENHOLDER: | American Tax Funding PO Box 862658 | Orlando FL 32886-2658 | |
| June 7, 2001 | 417.02/22 | SHAH, SNEHAL 22 Nottingham Way Somerset NJ 08873 | \$ 621.75 |
| PAID: | April 19, 2002 | CERT #01-47 | |
| LIENHOLDER: | JN Properties 175 Market Street, Suite 301 | Paterson NJ 07505 | |
| June 8, 2000 | 424.11/10 | MILLER, YVONNE W. 3 Corwen Court Somerset NJ 08873 | \$24,265.64 |
| PAID: | April 25, 2002 | CERT #20-84 | |
| LIENHOLDER: | Plymouth Financial Company PO Box 2288 | Morristown NJ 07962-2288 | |
| June 7, 2001 | 528.04/155 | KELLY, MARY C/o NICHOLSON 1625 2 nd Avenue New York NY 10028 (306 St. James Place) | \$ 592.08 |
| PAID: | April 22, 2002 | CERT #01-133 | |
| LIENHOLDER: | James C. Older 87 East Mountain Road | Hillsborough NJ 08844 | |

B. 02-216 RESOLUTION - TAX REMITTALS

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

| <u>YEAR</u> | <u>BLOCK/LOT</u> | <u>NAME</u> | <u>REASON</u> | <u>AMOUNT</u> |
|-------------|------------------|----------------------|---------------|---------------|
| 2001 | 37.02/7.45 | Township of Franklin | Exempt | 459.94 |
| 2002 | | | | 30.13 |
| 2001 | 37.05/7.46 | Township of Franklin | Exempt | 280.51 |
| 2002 | | | | 50.89 |

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| | | | | |
|------|--------|----------------------|--------|----------|
| 2000 | 150/12 | Township of Franklin | Exempt | 217.42 |
| 2001 | | | | 1,064.37 |
| 2002 | | | | 1,035.59 |

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

C. 02-217 RESOLUTION - 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.

| BLOCK/LOT | NAME/ADDRESS | QTR/YR | AMOUNT |
|---------------------|---|---------------|---------------|
| 90/5 | SERVICE COMPUTER SYSTEMS INC & MICHAEL I. SCHNECK ESQ. 6 Shirley Avenue Somerset NJ 08873 | 4/01 | 3,137.45 |
| 37.02/5.04 C1361 | GMAC MORTGAGE 3451 Hammond Avenue Waterloo IA 50702 | 02/2 02/3 | 221.99 .01 |
| 135.01/10 | SOMERSET COMMUNITY ACTION PROGRAM Attn: ISAAC DORSEY 900 Hamilton Street Somerset NJ 08873 | 01/4 | 2,012.45 |
| 424.08/339 | HARIHARAN, ARVIND & VIDYA 26 Rue Chagall Somerset NJ 08873 | 02/2 | 1,787.24 |
| 424.14/97 C0019 | TRANSAMERICA REAL ESTATE TAX SERVICE Renaissance Tower 1201 Elm Street Ste.400 Dallas TX 75270-9804 | 02/3 02/2 | .01 568.59 |

D. Removed from Agenda**E. 02-218 RESOLUTION – INSERTION IN BUDGET – NJ STATE DEPARTMENT OF AGRICULTURE - SUMMER FOOD SERVICE PROGRAM - \$4,111.71**

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

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

WHEREAS, the Township of Franklin in the County of Somerset, State of New Jersey will receive \$4,111.71 with a match of \$0.00, from the Matching Funds for Grant for **NEW JERSEY STATE DEPARTMENT OF AGRICULTURE SUMMER FOOD SERVICE PROGRAM**, for a total of \$4,111.71, and wishes to amend its 2002 Budget to include a portion of this additional amount as a revenue;

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NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Franklin, Somerset County hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Budget for the year 2002 in the sum of \$4,111.71 which is now available as revenue from:

**NEW JERSEY STATE DEPARTMENT OF AGRICULTURE
SUMMER FOOD SERVICE PROGRAM**

BE IT FURTHER RESOLVED that a like sum of \$4,111.71, with a match of \$0.00 from \$0.00 for NEW JERSEY STATE DEPARTMENT OF AGRICULTURE SUMMER FOOD SERVICE PROGRAM for a total contract of \$4,111.71 and the same is hereby appropriated under the caption of:

**NEW JERSEY STATE DEPARTMENT OF AGRICULTURE
SUMMER FOOD SERVICE PROGRAM**

BE IT FURTHER RESOLVED that the Township Clerk forward three (3) copies of this Resolution to the Director of Local Government Services.

F. 02-219 RESOLUTION - TRANSFERS FISCAL YEAR – FY2002 BUDGET

BE IT RESOLVED by the Township Council of the Township of Franklin in the County of Somerset and State of New Jersey, that the following transfers be made from the Fiscal Year 2002 Municipal Budget Appropriations:

| <u>DEPARTMENT</u> | <u>TO</u> | <u>FROM</u> |
|-------------------|-----------|-------------|
| PURCHASING | | |
| Other Expenses | 3,000.00 | |
| Board Of Health | | |
| Other Expenses | 9,500.00 | |
| Legal Services | | |
| Other Expenses | 82,000.00 | |
| Streets & Roads | | |
| Other Expenses | | 94,500.00 |

G. 02-220 RESOLUTION - MAKING APPLICATION TO THE LOCAL FINANCE BOARD PURSUANT TO N.J.S.A. 58:11B-9(a) and 40A:2-26(e)

WHEREAS, the Township of Franklin, in the County of Somerset, State of New Jersey (the "Township") desires to make application to the Local Finance Board for (i) the private sale of its Water Utility Bonds in the aggregate principal amount not to exceed \$1,850,955 to provide funds to finance Phase VII of the Water System Rehabilitation Program through the Year 2002 New Jersey Environmental Infrastructure Trust Financing Program pursuant to the provisions of N.J.S.A. 58:11B-9(a) and (ii) the approval of a nonconforming maturity schedule pursuant to N.J.S.A. 40A:2-26(e).

WHEREAS, the Township believes:

- (a) it is in the public interest to accomplish such purpose;
- (b) said purposes or improvements are for the health, wealth, convenience or betterment of the inhabitants of the Township;
- (c) the amounts to be expended for said purpose or improvements are not unreasonable or exorbitant;

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- (d) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the Township and will not create an undue financial burden to be placed upon the Township;

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:

Section 1. For all future references, the title of this resolution shall be "Resolution of the Township of Franklin Making Application to the Local Finance Board Pursuant to N.J.S.A. 58:11B-9(a) and 40A:2-26(e)" and all subsequent documents associated with the matters addressed herein shall reference this title.

Section 2. The application to the Local Finance Board (the "Application") is hereby approved, and the Township's Bond Counsel, Wilentz, Goldman & Spitzer, P.A. ("Bond Counsel"), along with other officials and representatives of the Township, are hereby authorized and directed to prepare and submit such Application, to appear before the Local Finance Board and to represent the Township in matters pertaining thereto.

Section 3. The Local Finance Board is hereby respectfully requested to consider such Application and to record its findings, recommendations and/or approvals as provided by the applicable New Jersey Statutes.

Section 4. A certified copy of this resolution shall be filed with the Local Finance Board with the Application of the Township.

Section 5. The preparation of the Application by Bond Counsel of the Township in consultation with the Chief Financial Officer of the Township and Hodulik & Morrison, P.A., the Auditor of the Township, is hereby ratified and confirmed, *nunc pro tunc*, and its submission to the Local Finance Board is hereby authorized.

Section 6. This resolution shall take effect immediately.

H. 02-221 RESOLUTION - APPLICATION TO THE LOCAL FINANCE BOARD PURSUANT TO N.J.S.A. §40A:2-51 AND N.J.S.A. §40A:2-55 IN CONNECTION WITH THE ISSUANCE OF NOT TO EXCEED \$9,400,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING BONDS

WHEREAS, the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey (the "Township") desires to make application to the Local Finance Board, Division of Local Government Services in the New Jersey Department of Community Affairs (the "Local Finance Board") for its approval of a refunding bond ordinance authorizing the refunding of a portion of the callable General Obligation Bonds dated September 1, 1992 outstanding in the amount of \$8,730,000, consisting of \$3,335,000 General Improvement Refunding Bonds and \$5,395,000 Water Refunding Bonds; and

WHEREAS, the Township believes that:

- (a) it is in the public interest to accomplish such refunding;
- (b) said refunding is for the health, wealth, convenience or betterment of the inhabitants of the Township;
- (c) the amounts to be expended for said refunding are not unreasonable or exorbitant;
- (d) the refunding is an efficient and feasible means of providing services for the needs of the inhabitants of the Township and will not create an undue financial burden to be placed upon the Township.

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

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Section 1. The application (the "Application") to the Local Finance Board is hereby approved, and the Township's Bond Counsel, Wilentz, Goldman & Spitzer, P.A. ("Bond Counsel"), along with other officials and representatives of the Township are hereby authorized and directed to prepare and submit such Application and to represent the Township in such matters pertaining thereto.

Section 2. The Township Clerk is hereby directed to prepare and file certified copies of this resolution and the refunding bond ordinance after introduction with the Local Finance Board as part of such Application.

Section 3. The Local Finance Board is hereby respectfully requested to consider such Application and to record its approval as provided by the applicable New Jersey Statute.

Section 4. The preparation of the Application by Bond Counsel of the Township in consultation with the Chief Financial Officer of the Township and Hodulik & Morrison, P.A., the Auditor of the Township, is hereby ratified and confirmed, *nunc pro tunc*, and its submission to the Local Finance Board is hereby authorized.

Section 5. This resolution shall take effect immediately.

I. 02-222 RESOLUTION - AWARD BID - OWL CONTRACTING - STREET RESURFACING, MILLING & CURB REPLACEMENT - AN AMOUNT NOT TO EXCEED \$548,803.75

WHEREAS, a notice to bidders for the receipt of bids for Street Resurfacing and Curb Replacement for the Department of Public Works was published in the Courier News on March 28, 2002 for receipt on April 18, 2002; and

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

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

OWL CONTRACTING

**21 Gill Avenue
Rockaway NJ 07866**

Amount not to exceed \$548,803.75; and

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

J. 02-223 RESOLUTION - AWARD BID - BUIST, INCORPORATED - HVAC MAINTENANCE - FOR THE PERIOD JUNE 1, 2002 TO MAY 31, 2003 - AMOUNT NOT TO EXCEED \$46,366.00

WHEREAS, a notice to bidders for the receipt of bids for HVAC Maintenance for Township Municipal Buildings were published in the Courier News on February 22, 2002 with an addendum published on March 1, 2002 for receipt on March 14, 2002; and

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

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

BUIST, INCORPORATED

**28 Voorhees Avenue
Somerset NJ 08873**

Amount not to exceed \$46,366.00 includes maintenance, labor and parts as needed

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for the period June 1, 2002 to May 31, 2003; and

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

K. 02-224 RESOLUTION - AUTHORIZE PURCHASE UNDER STATE CONTRACT & THROUGH SOMERSET COUNTY IMPROVEMENT AUTHORITY - MAJOR POLICE SUPPLY - ACCESSORIES FOR NEW POLICE VEHICLES - PRISONER TRANSPORT SEATS WITH INSTALLATION - AN AMOUNT NOT TO EXCEED \$4,920.00

WHEREAS, the Township of Franklin desires to purchase items which when combined with prior purchases, exceed the prevailing bid threshold and which are available on state contract, as noted below; and

WHEREAS, the Somerset County Improvement Authority will purchase the radios, with the Township of Franklin acting as Purchasing Agent for the Authority;

VENDOR: MAJOR POLICE SUPPLY
19 Route 10 East PO BOX 401
Succasunna, NJ 07876
State Contract No. A46912

ITEMS: Accessories for new police vehicles - Prisoner Transport seats with installation

COST: \$4,920.00; 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 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, on behalf of the Somerset County Improvement Authority, a contract with the above named vendor to purchase the specified items under State Contract and to forward invoices for payment for these vehicles to the Somerset County Improvement Authority for payment/reimbursement by the Township in accordance with the Township's lease agreement with the Somerset County Improvement Authority.

L. 02-225 RESOLUTION - AUTHORIZE PURCHASE UNDER STATE CONTRACT - MAJOR POLICE SUPPLY - ACCESSORIES FOR CONVERTING POLICE VEHICLES FOR UNMARKED USE - AN AMOUNT NOT TO EXCEED \$7,412.13

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

VENDOR: MAJOR POLICE SUPPLY
19 Route 10 East PO BOX 401
Succasunna, NJ 07876
State Contract No. A46912

ITEMS: Accessories for converting police vehicles for unmarked use

COST: \$7,412.13; 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;

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

M. 02-226 RESOLUTION - AUTHORIZE PURCHASE UNDER STATE CONTRACT - GAME TIME d/b/a MARTURANO RECREATION COMPANY - PLAYGROUND EQUIPMENT & ACCESSORIES FOR BASCOM, NASSAU & DeLAR PARKS - AN AMOUNT NOT TO EXCEED \$144,095.00

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

**VENDOR: GAME TIME
D/b/a MARTURANO RECREATION COMPANY
PO Box 449, Bricktown NJ 08723
State Contract No. A47854**

ITEMS: Playground Equipment & Accessories for Bascom, Nassau and DeLar Parks

COST: Not to exceed \$144,095.00

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

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

N. 02-227 RESOLUTION - CONTRACT EXTENSION – IBS - EXTEND CONTRACT FOR ON-CALL DUPLICATING SERVICES – 5/1/02 TO 6/30/02 - AMOUNT NOT TO EXCEED \$3,000.00

BE IT AND IT IS HEREBY RESOLVED that the resolution adopted February 22, 2002 awarding bids for on-call duplicating services for the period March 1, 2002 to February 28, 2002 and extended by resolution adopted February 26, 2002 for the period March 1, 2002 to April 30, 2002 as follows:

**IBS
400F Apgar Drive
Somerset NJ 08873**

the amount not to exceed \$50,000.00

be extended for the period May 1, 2002 to June 30, 2002 in an amount not to exceed \$3,000.00; and

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

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

O. 02-228 RESOLUTION - INTERLOCAL SERVICE AGREEMENT - NEW BRUNSWICK PUBLIC SCHOOL FOOD SERVICE - 2002 SUMMER FOOD SERVICE PROGRAM - \$4,052.75

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WHEREAS, the Federal Grant Guidelines provide that an agreement can be entered with the New Brunswick Public School Food Service for the provision of the Summer Food Program;

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 an agreement with New Brunswick Public School food Service Program for the provision of the 2002 Summer Food Service Program at a cost of \$4,052.75.

P. 02-229 RESOLUTION - AGREEMENT - INTERLOCAL SERVICES – FRANKLIN TOWNSHIP SEWERAGE AUTHORITY – TOWNSHIP'S SHARE OF REPAIRING AND PAVING OF GRIGGSTOWN ROADWAYS

BE IT AND IT IS HEREBY RESOLVED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the Mayor and Township Clerk be and they are hereby authorized to execute on behalf of the Township interlocal services agreements with the Somerset County Board of Social Franklin Township Sewerage Authority as permitted by NJSA 40:8A-1 et. seq. and NJAC 5:23:

Township's share of the repair and paving of parts of the following roadways:

| | |
|-----------------|--------------------|
| Acken Lane | Leiv Eirikson Ave. |
| Bergen Ave. | Park Lane |
| Brentwood Blvd. | Ridge Blvd. |
| Crescent Drive | Sterling Road |
| Forest Ave. | Stockton Ave. |
| Honeyman Street | Sunset Ave. |
| Lincoln Ave. | Washington Ave. |
| Linden Ave. | |

Not to exceed \$145,000.00.

Q. 02-230 RESOLUTION – AGREEMENT – PULTE HOME CORPORATION – DEVELOPERS AGREEMENT

WHEREAS, on February 6, 2002 the Franklin Township Planning Board granted preliminary and final site plan and subdivision approval for the Colonial Park development to Pulte Home Corporation (hereinafter "The Developer or "Pulte") consisting of 755 units of senior housing and a recreation facilities on property known and described as Block 468.12 , Lot 1.01 and Block 507, Lots 3.5,7,21,38-43,67 and 68 on the Tax Map of the Township of Franklin; and

WHEREAS, As a condition of approval Pulte is required to enter into a Developer's Agreement covering off-tract improvement fees, parkland dedication and the road alignment of New Brunswick Road; and

WHEREAS, The Township Manager has met with the applicant concerning all issues outlined in the Planning Board approval.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin that the Mayor and Township Clerk are hereby authorized to execute a Developer Agreement with Pulte Home Corporation, said agreement to be prepared by the Township Attorney and to contain the following provisions:

1. Pulte will bear the cost of and be responsible for improvements to New Brunswick Road, which are required for reasons of public safety, in accordance with the schematic drawings approved by the Planning Board and Township Engineer, with these drawings to be attached to the Developer's Agreement. Pulte's responsibilities and costs include engineering design, all permits, right-of-way acquisition, construction and construction inspection for improvements to include:
 - A. Realignment of New Brunswick Road between approximately Crown Road and Elizabeth Avenue as necessary to provide an alignment having centerline

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- curves with minimum radii of 500', or to the satisfaction of the Township Engineer,
- B. Design and installation of a siren-activated traffic signal at the intersection of New Brunswick Road and Davidson Avenue,
 - C. Repaving of New Brunswick from Crown Road to Elizabeth Avenue,
 - D. Relocation of the intersection of New Brunswick Road and Elizabeth Avenue to meet at the current intersection of Schoolhouse Road and Elizabeth Avenue,
 - E. Design and construction of an intersection between the new portion of New Brunswick and the old portion,
 - F. Design and Modification of the County's traffic signal at the new intersection of New Brunswick Road and Elizabeth Avenue, opposite Schoolhouse Road, with the County to decide whether it will retain the light being installed at the current intersection of New Brunswick Road and Elizabeth Avenue.
 - G. Marking and signing the bike lane in each direction on the new cartway on New Brunswick Road.
 - H. Design and construction of New Brunswick Road between Crown Road and Elizabeth Avenue (40' paved width plus turning lanes as required) to include all excavation, embankment, bituminous concrete paving, curb, storm drains, structures, signing, striping, landscape plantings, topsoil & seeding, street lighting, relocation of utilities as required, and all else necessary therefore and incidental thereto,
 - I. The acquisition of all right-of-way necessary to a minimum width of 60' plus the width of turning lanes, as required. This provision should not require the expenditure of funds for properties not currently owned by Pulte, except for a small triangle at the intersection of New Brunswick Road and Davidson Avenue. For other properties to the east of Davidson Avenue, the necessary right-of-way has already been dedicated. For Lot 57.01, Block 502.01, on April 23, 2002, the owner signed a letter to the Township Engineer agreeing to dedicate the necessary right-of-way.
 - J. Construction of a 4' wide concrete sidewalk along one side of New Brunswick Road, between Crown Road and Elizabeth Avenue.
 - K. Design and construction of the bridges and culverts as necessary under New Brunswick Road to the satisfaction of New Jersey Department of Environmental Protection, Somerset County, and Franklin Township.
 - L. Obtain all permits, as required to include, but not be limited to NJ Department of Transportation, NJ Department of Environmental Protection, Somerset-Union Soil Conservation District, Delaware-Raritan Canal Commission, Franklin Township Sewerage Authority, Somerset County and Franklin Township, and with all permit fees and costs to obtain same to be borne by the Developer
2. With reference to the above road improvements, the Developer's Agreement shall provide that the Township, at the developer's expense, will use its powers of condemnation to acquire right-of-way in the event that the developer is not able to negotiate acquisition.
 3. In accordance with the formula for parkland dedication, the developer will improve at least 8.61 acres of parkland to the Township in accordance with the final site plan and will pay the Township a contribution in lieu of the remaining 50% of the developer's obligation under the ordinance in the amount of \$265,760.

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This cash contribution shall be due and paid to the Township prior to the developer's receiving construction permits in excess of 377 residential units within the development.

4. In accordance with the formula for off-tract improvements, the developer shall pay \$91,862.00. The Developer shall receive a credit against this amount for the actual cost of the improvements described in section 1(J) above as certified by the Township. This off-tract improvement payment shall be due and paid to the Township prior to the Township signing of subdivision plans for the development.
5. The developer will also contribute \$50,000 to the Township's FESMA trust fund before the issuance of the 38th certificate of occupancy.
6. The Developer will provide for a common connection to a fire lane and an 8" water utility line at the common property line with the proposed Calton Homes Tract, Block 507, Lot 47, at a location to be agreed upon between the two developers, and in complete conformance with the requirements of the Franklin Township Fire Prevention Office, which has approved the use of grass pavers.

R. 02-231 RESOLUTION - RELEASE OF SPECIAL EVENT ESCROW - FRANKLIN TOWNSHIP FOOD BANK - TOUR de FRANKLIN - APRIL 27 & 28, 2002

WHEREAS, by resolution of the Township Council permission was granted for the following Organizations to conduct Special Events on the dates indicated below; and

WHEREAS, the Organization deposited with the Township Clerk the amounts required by Ordinance No. 526 guaranteeing maintenance of the grounds on which Special Events were conducted; and

WHEREAS, approval has been received from the Franklin Township Health Department that the grounds on which the events were held has been inspected and restored to the original condition;

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED that the Township Council of the Township of Franklin, Somerset County does hereby authorized the Township Treasurer to issue checks to the following Organizations representing return of escrow monies being held as maintenance guarantees for the Special Events:

FRANKLIN TOWNSHIP FOOD BANK

Attn: Mr. Denis McGrath

PO Box 333

Somerset NJ 08873

Tour de Franklin - April 27 & 28, 2002

\$300.00

S. 02-232 RESOLUTION - RELEASE OF INSPECTION ESCROW MONIES - JOHN WILEY & SONS - DOCKET NO. P2000019PD - \$561.07

WHEREAS, the Township Clerk of the Township of Franklin, County of Somerset and State of New Jersey, has received escrow monies for purposes of anticipated inspection fees as noted below; 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:

NAME OF APPLICANT: JOHN WILEY & SONS

ADDRESS OF APPLICANT: One Wiley Drive
Somerset NJ 08873

DOCKET #: P2000019PD

BLOCK/LOT: Block 523.03/Lot 35.05

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LOCATION: Wiley Drive
 AMOUNT DEPOSITED: \$11,611.07
 AMOUNT CHARGED: 11,050.00
 AMOUNT TO BE REFUNDED: \$ 561.07

FOR: Site Improvements;

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.

T. 02-233 RESOLUTION - RELEASE OF PLAN REVIEW ESCROW - ANTHONY GLENNON -DOCKET NO. ZBA-2001-0034 - \$1,737.50; THEODORE & SUSAN WRIGHT - DOCKET NO. PLN-2001-0026 - \$1,662.50

WHEREAS, the Township Clerk of the Township of Franklin, County of Somerset and State of New Jersey, 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: ANTHONY GLENNON
 ADDRESS: PO Box 2212 East Millstone NJ 08875
 DOCKET NO: ZBA-2001-0034
 BLOCK/LOT: 512/7.01
 LOCATION: 168 Mettlers Road
 AMOUNT DEPOSITED: \$2,000.00
 AMOUNT CHARGED: 262.50
 AMOUNT TO BE REFUNDED: \$1,737.50

APPLICANT: THEODORE & SUSAN WRIGHT
 ADDRESS: 5 Tupelo Drive Old Bridge NJ 08857
 DOCKET NO: PLN-2001-0026
 BLOCK/LOT: 348/37, 38, 39 & 40
 LOCATION: Berger Street
 AMOUNT DEPOSITED: \$2,000.00
 AMOUNT CHARGED: 337.50
 AMOUNT TO BE REFUNDED: \$1,662.50

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.

U. 02-234 RESOLUTION - PERFORMANCE GUARANTEE RELEASE - JOHN WILEY & SON - DOCKET NO. P2000019PD - \$232,250.00

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

ITEM: PERFORMANCE BOND

NAME OF APPLICANT: JOHN WILEY & SON

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ADDRESS OF APPLICANT: 1 Wiley Drive
Somerset NJ 08873

NUMBER: 8183-61-70

INSURANCE CO./BANK: Chubb Group of Insurance Company
15 Mountain View Road Warren NJ 07061

IN THE AMOUNT OF: \$232,250.00

FOR: Site Improvements for Docket No. P2000019PD - Block 523.03/Lot 35.05, Wiley Drive;
and

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

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

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

V. 02-235 RESOLUTION - APPROVING THE FISCAL YEAR 2002 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND THE FILING OF THE 2002-2004 CONSOLIDATED PLAN

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

WHEREAS, the U.S. Department of Housing and Urban Development has advised the Township of its willingness to provide a Fiscal Year 2002 Community Development Block Grant in the estimated amount of Two Hundred Eighty Eight Thousand Dollars (\$288,000);

WHEREAS, the Township can budget a total of Two Hundred Eighty Eight Thousand Dollars (\$288,000) for eligible activities to Fiscal Year 2002;

WHEREAS, Public Hearings were held on December 4, 2001 and March 12, 2002 to provide citizen participation in the development of the Consolidated Plan and the Action Plan for Fiscal Year 2002;

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

Section 1. The application for the Federal Fiscal Year 2002 Community Development Block Grant Program for Franklin Township is hereby in all respects approved.

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

Section 3. The Mayor of the Township of Franklin on behalf of the Township Council, is authorized to file an application for Two Hundred Eighty Eight Thousand Dollars (\$288,000), which the U.S. Department of Housing and Urban Development has indicated it is willing to make available to carry out the Community Development Program, and act as authorized representative of the Township of Franklin.

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

W. 02-236 RESOLUTION - GRANT APPLICATION - RARITAN RIVER WATERSHED MANAGEMENT ASSOCIATION - OUTREACH & EDUCATION GRANT - \$2,500.00

BE IT AND IT IS HEREBY RESOLVED that application for Outreach and Education Grant to be filed with the Raritan River Watershed Management Association on behalf of the Franklin Township Environmental Commission as follows:

Identify and Assess Streams - \$2,500.00

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

X. 02-237 RESOLUTION - GRANT AGREEMENT - NEW JERSEY TRANSIT - OPERATION OF LOCAL SHUTTLE MOTOR BUS PASSENGER SERVICE & EQUIPMENT LEASE

BE IT RESOLVED that the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey does hereby authorize the execution of the grant agreement with New Jersey Transit for the Operation of Local Shuttle Motor Bus Passenger Service and Equipment Lease for the seven (7) year period beginning with the execution of the agreement, said agreement on file with the Township Clerk and available for public inspection; and

BE IT FURTHER RESOLVED that the appropriate officials be and they are authorized to sign the agreement.

Y. 02-238 RESOLUTION - DISCHARGE OF PORTION OF CDBG MORTGAGE - RICHARD C. III & JENNIFER RAPP - BLOCK 196/LOT 1-7 - 543 HAMILTON STREET

WHEREAS, the Township of Franklin holds a mortgage for Richard C. III and Jennifer Rapp for premises known as Block 196/Lots 1-7 located at 543 Hamilton Street, Somerset NJ in conjunction with dwelling renovation through the CDBG Housing Rehabilitation Program; and

WHEREAS, the property owners have subdivided the tract of land and sold the vacant portion thereof (Lots 1-5 in Block 196) and retained the dwelling on Lots 6-7 in Block 196;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Township Clerk be and they are hereby authorized to sign Discharge of Mortgage for Lots 1-5 in Block 196 only and to have same filed with the County Recording Officer, with the Mortgage to remain in full force and effect on Lots 6-7 in Block 196 until such Mortgage shall expire in accordance with its terms.

Z. 02-239 RESOLUTION - DISCHARGE OF MORTGAGE - DONNA DURATZ TO MARIA IZZO - AFFORDABLE HOUSING MANAGEMENT SERVICES - BLOCK 34.08/LOT 54.01 C4219 - 233 RACHEL COURT, FRANKLIN PARK NJ

BE IT AND IT IS HEREBY RESOLVED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the Mayor and Township Clerk be and they are hereby authorized to execute a Discharge of Affordable Housing Management Services Mortgage for the premises known as 233 Rachel Court, Block 34.08, Lot 54.01 C4219 on the tax map of the Township of Franklin, subject to the execution by the purchaser of a repayment mortgage in accordance with New Jersey Council on Affordable Housing regulations pursuant to NJAC 5:93-1 et seq.

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

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

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

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

| <u>NAME OF ORGANIZATION</u> | <u>DATE OF RAFFLE/BINGO</u> |
|---|---|
| FRIENDS OF McCARRICK CARE CENTER 15 DELLWOOD LANE, SOMERSET, NJ OFF-PREMISE 50/50 - RL#1345 DRAWING: McCARRICK CARE CENTER | SEPTEMBER 21, 2002 2:00 P.M. |

BB. 02-241 RESOLUTION - SPECIAL EVENT PERMIT - FRANKLIN PARK SENIOR CITIZEN CLUB - GARAGE SALE - SATURDAY, SEPTEMBER 21, 2002

WHEREAS, a request has been received from Franklin Park Senior Citizen Club (Ms. Janet Byrne, 505 DeMott Lane, Somerset NJ 08873) for permission to have a Garage Sale on September 21, 2002, to be conducted on Municipal Complex Grounds between the hours of 9:00 am and 3:00 pm; and

WHEREAS, Franklin Park Senior Citizen Club has requested that the Permit Fee of \$125.00 be waived since they represent a non-profit organization;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset, New Jersey, that permission is hereby granted to Franklin Park Senior Citizen Club to conduct a Garage Sale on September 21, 2002 on Municipal Complex Grounds between the hours of 9:00 am to 3:00 pm, subject to compliance with the requirements of Township Officials, including but not limited to the Chief of Police and Director of Fire Prevention; and

BE IT FURTHER RESOLVED that the permit fee of \$125.00 be waived since said organization is a non-profit organization; and

BE IT FURTHER RESOLVED that in accordance with Section 97-8 (e) of the Township Code that there shall be deposited with the Township Clerk a cash deposit, money order, certified check or treasurer's check in the amount of \$300.00 to guarantee the maintenance of the premises on which the applied for activity is to be conducted; and

- (1) If at the end of such activity, the Health Inspector of the Township decides that the premises were not returned to the condition they were in as of the time that the applied for activity commenced, he/she shall be authorized to return the premises to such condition and to pay for having same done out of the deposit left with the Township Clerk for such purposes;
- (2) Any unused monies deposited for maintenance shall be returned by the Township Clerk to the person or organization making the deposit upon approval of the Health Inspector.

CC. 02-242 RESOLUTION - INSTALLATION OF PREEMPTION DEVICES - CEDAR GROVE ROAD/NEW BRUNSWICK ROAD & EASTON AVENUE/CEDAR GROVE ROAD INTERSECTION

WHEREAS, the Somerset Volunteer Fire & Rescue Company No. 1 within the Franklin Township Fire District No. 1, responds to many calls using the intersection of New Brunswick

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Road and Cedar Grove Road and the intersection of Cedar Grove Road and Easton Avenue within the jurisdiction of Somerset County; and

WHEREAS, in an effort to reduce the hazardous condition at this intersection faced by emergency vehicles, Fire District No. 1 has proposed the installation of preemption devices and has presented its proposal to the Somerset County Road Department; and

WHEREAS, the Somerset County Road Department has requested the Township Council of the Township of Franklin, as well as the Franklin Township Police Department, to approve the proposal for such installation;

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Franklin, County of Somerset and State of New Jersey does hereby concur with the need for the installation of preemption devices at the intersection of New Brunswick Road and Cedar Grove Road and the intersection of Cedar Grove Road and Easton Avenue, approves the proposal of Fire District No. 1 for same, and urges the County of Somerset to take whatever action is necessary to approve and facilitate this installation; and

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to Somerset Volunteer Fire & Rescue Company, Fire District No. 1, Somerset County Board of Freeholders and Somerset County Director of Public Works.

DD. 02-243 RESOLUTION – AUTHORIZE RECOGNITION OF FIREMEN'S MUTUAL BENEVOLENT ASSOCIATION LOCAL 88 (FMBA) - FIRE PREVENTION & DISPATCH EMPLOYEES BARGAINING UNIT

WHEREAS, as permitted by PERC regulations, representatives of the Fire Prevention & Dispatch Employees Bargaining Unit have requested the Township to recognize the Firemen's Mutual Benevolent Association Local 88 (FMBA), as their official bargaining unit representative;

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Franklin, Somerset County, New Jersey, does hereby recognize the Firemen's Mutual Benevolent Association Local 88 (FMBA), as the official bargaining unit representative for the Fire Prevention & Dispatch Employees of the Township of Franklin and does authorize the Township Manager and Assistant Township Manager to comply with the requirements of N.J.A.C. 19:11-3 to accomplish this recognition.

EE. 02-244 RESOLUTION – CENTRAL NEW JERSEY JEWISH HOME FOR THE AGED – USE OF MUNICIPAL COMPLEX PARKING – JUNE 2, 2002

WHEREAS, a request has been received from Central New Jersey Jewish Home for the Aged for permission to use the Municipal Complex parking facilities in conjunction with the dedication of an Assisted Living Facility on their property at 360 DeMott Lane, and,

WHEREAS, Central New Jersey Jewish Home for the Aged has represented to the Township Council that they will have a van transporting attendees between their facility and the Municipal Complex and will have Township police officers controlling vehicular and pedestrian traffic on DeMott Lane during the course of said use;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset, New Jersey, that permission is hereby granted to Central New Jersey Jewish Home for the Aged to utilize the parking facilities in the Municipal Complex on June 2, 2002 in conjunction with the dedication of their Assisted Living Facility; and,

BE IT FURTHER RESOLVED that Central New Jersey Jewish Home for the Aged shall provide an Insurance Policy to cover the use of the Municipal Complex parking facilities in the amount of \$1,000,000. Said policy shall name the Township of Franklin as additionally insured and a Certification of same shall be filed with the Township Clerk at least 5 day prior to the event.

REGULAR MEETING - MAY 14, 2002FF. 02-245 RESOLUTION – AMEND PROFESSIONAL SERVICE - LOUIS N. RAINONE, ESQUIRE - LEGAL SERVICES - TOWNSHIP ATTORNEY - JANUARY 1, 2002 TO DECEMBER 31, 2002 - \$125.00 PER HOUR/AN AMOUNT NOT TO EXCEED AN ADDITIONAL \$82,000.00

WHEREAS, by resolution adopted January 22, 2002, Professional Service Agreement was authorized with Louis N. Rainone, Esq. to provide services as Township Attorney for the period January 1, 2002 to December 31, 2002 at the rate of \$125.00 per hour, not to exceed \$230,000.00; and

WHEREAS, a need exists to amend said agreement to provide ad additional \$82,000.00 therefor; and

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

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

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

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

VENDOR NAME: LOUIS N. RAINONE, ESQUIRE

DeCOTIIS, FITZPATRICK & GLUCK, LLP

ADDRESS: Glenpointe Center West, 500 Frank W. Burr Blvd. Teaneck NJ 07666

CONTRACT AMOUNT: \$125.00 per hour/An amount not to exceed an additional \$82,000.00 in addition to the retainer provided in the Salary Ordinance for Meeting Attendance.

SERVICE: Legal Services for the Township of Franklin, in the County of Somerset as Township Attorney for the period January 1, 2002 to December 31, 2002.

Motion was made by Deputy Mayor Grippo and seconded by Mr. Sumter to approve the items of the foregoing Consent Agenda. Township Clerk Pellicane polled the Board, the vote being as follows:

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Ms. Barrier
 Mr. Chivukula
 Mayor Eberle
 Mr. Grippo

AYES

Mr. Levine
 Mr. McKenzie
 Mr. Mettler
 Mr. Sumter

NAYS

No One

ABSTAIN

No One

ABSENT

Mr. Mazzola

Motion was carried.

WATER EMERGENCY

Township Manager Daly noted that, given the lateness of the hour and the considerable rain during the past week, even though there is still need to conserve water, it would be difficult to explain a more stringent water restriction to the public and recommended that the resolution be tabled until the next meeting, to be considered at that time if the need remains. Council concurred.

COUNCIL COMMENTS

Deputy Mayor Grippo commended Council for their actions tonight on the school budget.

Upon a motion made, seconded and unanimously agreed, the Regular Meeting was adjourned at 11:10 p.m.

SHIRLEY EBERLE, MAYOR

JEAN C. PELLICANE, RMC, TOWNSHIP CLERK