

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 7:09 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 March 28, 2006. 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 Ms. Eberle led the Invocation.

The Township Clerk called the roll.

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

Absent: Ms. Ritchie

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

#### **POLICE DEPARTMENT OATHS OF OFFICE**

The following Police Officers were sworn in by the Township Clerk:

**Police Officers:**

Joshua Belitz  
Lloyd Fredericks  
Daniel Lyons  
Ryan Ellington  
Altwain Burwell  
James Raics  
Jonathan Tuchmatulin

**Sergeants:**

Erik Hagman  
Christopher Rokicki  
Edward Stout  
Dennis Hopson  
Brian Farrar  
Gregory Borlan

**Lieutenants:**

Anthony Presutti  
Richard Grammar  
Robert Vornlocker

**Deputy Chief:**

Lawrence Roberts

**Chaplain:**

Rev. Sharon Culley

#### **COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION HEARINGS**

Patrice Loehle, Acting Grants Coordinator presented the following 2006 Community Development Block Grant (CDBG) applications:

<b><u>Agency</u></b>	<b><u>Project</u></b>	<b><u>Amount Requested</u></b>
<b><u>Public Service Category</u></b>		
Major Group Foundation	Youth Connection After School Program	\$45,000
C.A.D.E.T.	Childcare Services Subsidy	\$40,000
Homesharing Inc.	Homesharing Program	\$5,000
SCCOAH	Housing Counseling	\$12,953
Family & Community Services	At Risk Youth Counselor	\$17,300
Franklin Twp. Recreation Dept.	Senior Wellness Program	\$5,000

**Public Facility Category:**

Somerset Residence Corp.	\$45,000
Franklin Twp. Housing Rehab.	\$170,261

2006 CDBG Allocation	\$331,170
Planning/Administration	66,234
Available for Projects	264,936
CAP on Public Service Projects (15%)	49,675

**Public Hearing**

Mr. Regan moved to open the meeting for a public hearing on the 2006 CDBG Application Proposals. Said motion was seconded by Mr. Sumter and carried unanimously upon voice vote.

Mayor Levine announced that the meeting was open for public discussion on the 2006 CDBG Application Proposals. Anyone interested in speaking, to raise their hand and when recognized, state their name and address.

Regina Doyle, Winchester Way, Senior Clubs, asked Council for their support of the Franklin Township Recreation Department Senior Wellness Program application in the amount of \$5,000.

Doris Robinson, ARISE Program Coordinator, asked Council for their support of the Family & Community Services At risk Youth Counselor application in the amount of \$17,300.

Lucy Joseph, 4 Lexington Road, asked for Council's support of the Franklin Township Recreation Department Senior Wellness Program application in the amount of \$5,000.

Nandai Menon, C.A.D.E.T., asked for Council's support for their application for childcare services subsidy in the amount of \$40,000.

Scott Cohen, Homesharing, asked for Council's support for their application for their Homesharing Program in the amount of \$5,000.

Sharon Clarke, SCCOAH, asked for Council's support for their application for housing counseling in the amount of \$12,953.

Al Samuels, William Major Foundation, asked for Council's support for their application for the Youth Connection After School Program in the amount of \$45,000.

Marlene Gianatto, Senior Groups, asked for support for the application of the Somerset Residence Corp. for shower stall conversions in the amount of \$45,000.

Dianne Leach-Thompson, Community Services, asked for Council's support of the After School Program.

Mr. Sumter moved to close the public hearing on the 2006 CDBG Application Proposals. Said motion was seconded by Deputy Mayor 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.
- Reminded that most Council meetings are open to the public. Council meetings are generally on the 2<sup>nd</sup> and 4<sup>th</sup> Tuesdays of the month. The public is invited and encouraged to attend. Listings can be found on FTT-25 and the Township website. If anyone is interested in volunteering for any boards, commissions, etc, to contact them.
- Announced that the Somerset County Business Partnership held a meeting here last week and Franklin Township and Somerset County were commended on how they share services more than most in New Jersey.
- Reported that the Bennetts Lane and Veronica Avenue proposal had had high profile allegations of not adhering to Franklin Township's soil importation notification ordinance. Stated it is still being considered and investigated by Township staff.
- Announced that the Board of Education election and vote on the budget is on April 18, 2006. He advised residents to watch for their sample ballots because some polling places have changed. He encouraged people to come out and vote.

#### **DEPUTY MAYOR REPORT**

Deputy Mayor Ashley-Williams made the following report:

- Announced that the High School ribbon cutting ceremony is April 1<sup>st</sup> at 2:00 p.m. Also, tours are being held on Saturday and Sunday.
- Reported that the 2006 County Budget is \$228,773,000, which is an increase of .9%. The increase to Franklin is an additional 3.9%, approximately \$6,000,000. She encouraged those who have concerns regarding the County Budget to contact the Freeholders.

#### **COMMITTEE REPORTS**

Deputy Mayor Ashley-Williams submitted the following reports:

##### **Redevelopment Agency (Meeting – March 20, 2006)**

“Mr. Daly, Executive Director, announced the hiring of the Redevelopment Administrator Deborah Mitchell who will be starting on Monday, April 3<sup>rd</sup>.

Hamilton Street – The Agency agreed there needs to be more communication between the Hamilton Street Board and the Agency. Mr. Daly recommended that the new Redevelopment Administrator represent the Agency on the Hamilton Street Board.”

##### **Library Board (Meeting – March 22, 2006)**

“We had a very short meeting. Sam Nelson was out sick and Shirley Pietrucha served as chair.

The Library re-opened on March 10 as scheduled. During the three weeks we were closed staff members worked on setting up their own departments and some voluntarily helped out in other departments. This resulted in accomplishing a smooth transition. The director, January Adams, pointed out that Ann Smith of Adult Services and Kathy Kleppin of Circulation Services proved themselves to be invaluable to the success of the move.

I was there on March 10 when the library opened and witnessed our first patrons, a young father and his little boy. They had come just to see the new building and were enjoying

the space. January said that she and the staff have received many positive comments from patrons since the opening of the new building. Overwhelming, they love the amount of light in the building. It is interesting to watch people entering the building for the first time. It seems to me that people look happier to be in the library than they used to.

John Kilma in Adult Services and Ann Smith developed a great aid for patrons. They developed a brochure for patrons that include a map of the building and collections, and some frequently asked questions about the library-building project. I have included a copy of the brochure in your folder for your review. Please take time, if you have not already done so, to tour the new addition to the library.

The old building is almost completely gutted. We are waiting for a firm completion date for the renovation.

Staff members Ann Smith and Courtney McKinney participated in the annual Dr. Seuss Day celebration at MacAfee Road School.

Trustees Shirley Pietrucha, Chip Hoever and Deputy Mayor Wandra Ashley-Williams attended the New Jersey Library Trustees Association workshop “Who Speaks for Libraries” held in Bridgewater on Tuesday, March 7.

Some statistics: New registrations for library cards in February – 83 and Titles uploaded into the catalog in February – 290.”

**Human Relations Commission (Meeting – March 27, 2006)**

“The Franklin Township Human Relation Commission (HRC) will be very busy this year. Here are some activities we are looking to sponsor:

**Spring Event** – One Sunday, May 7, 2006, there will be an inter-cultural fair at SGS Middle School. Franklin Township Youth Council will sponsor this Cultural Diversity Showcase in conjunction with the Franklin Township Department of Parks and Recreation, Franklin Township HRC, Hamilton Street business and Community Corporation (HSBCC), Franklin Township Youth Services Commission and Franklin Township Municipal Alliance for the Prevention of Substance Abuse. The purpose of this event is to celebrate and appreciate the diversity of Franklin Township through a showcase of creative arts and foods from around the world.

**Week of the People** – The Somerset Community Action Program (SCAP) Board of Trustees and The Week of the People Committee have decided to bring back this festive gathering that started in the 70s – “*The Week of the People*”. Mr. Percy Sanders and others came to the HRC meeting to discuss bringing the two groups together for a “*Cultural Diversity Week Celebration*”. The Commission agreed to partnership with the Week of the People Committee on this celebration. We will use our Inter-Cultural Celebration planned for September to kick off the “*Cultural Diversity Week Celebration*”. A committee of the HRC was formed to work with The Week of the People Committee to help plan the week of events.

**Diversity Dialogue Breakfast** – The HRC is considering hosting an Inter-Faith Diversity Dialogue Breakfast. We are considering including this event with the “*Cultural Diversity Week Celebration*”. The planning committee for this event will review this possibility.

Dr. Tusi Maharjan attended our meeting as a resource for our “*Cultural Diversity Week Celebration*” activities. Dr. Maharjan is chair of the Somerset County Cultural Diversity Coalition and vice chair of the State Human Relations Commission.

Several Commissioners will be attending the SCCDC’s Annual Diversity Leadership Breakfast on Friday, April 7, 2006. The breakfast will be held at the Raritan Valley Community College.

The HRC wants to become more involved in the planning of next year's MLK Breakfast. In addition, the Commission asked if I would recommended increasing the number of commissioners to the HRC. I asked if they could hold off on the request. We have individuals who do not attend meetings and will be replaced. In addition, we can always use subcommittees."

### Financial Oversight Committee

Ms. Danile submitted the following report:

"The Finance Oversight Committee met on Tuesday, March 21, 2006. Present at the meeting were: Ken Daly, Donna Vieiro, Marc Dashield, Vandana Khurana, Brian Levine, Teresa Danile and Ellen Ritchie.

The committee discussed the following:

1. Approval for an amendment to existing Ordinance #939 adopted April 12, 1979, which provides for an abatement to property owners for improvements to a residential dwelling more than 20 years old. The amendment would provide for a real property tax abatement for commercial and industrial buildings in the Hamilton Street business district and in the Renaissance Redevelopment area.
2. The Township's "buy green" policies and practices are followed where applicable in the offices which are being refurbished and in the new addition to the municipal complex.
3. The committee was told that problems with Canal Walk tax assessments are now being rectified through the Somerset County Board of Taxation.
4. Mr. Daly recommended that Council continue to abide by the 1999 ordinance which set spending limit approval to amounts in excess of \$8,500. It was agreed that this limit for Council approval should not be raised.
5. The committee reviewed the cash management investment report, which highlights interest earned and rates of return on cash balances.
6. The fiscal year 2007 budget timeline was proposed. Slight modifications were made as to dates and currently public hearing and the adoption of the budget is scheduled for October 24<sup>th</sup>.
7. The possibility of issuing bonds for the purchase of open space was discussed. No conclusions were reached.
8. Discussion ensued regarding the reserve for uncollected taxes and stabilization of the increase in the municipal tax levy."

### Traffic Management Subcommittee

Mr. Vassanella reported that the subcommittee is reviewing and working on many items and a more detailed report will be given at the next meeting.

## **REVIEW OF THE PREPARED AGENDA**

Mayor Levine led a review of the prepared agenda. Mr. Vassanella postponed Discussion Item – Additional Roads FY06 Road Program to the next meeting. A brief discussion ensued regarding Ordinance Nos. 3600 and 3601 regarding the acquisition of West Point Avenue property. A brief question and answer period ensued regarding some of the Consent Agenda items. After a brief discussion, Resolution #06-108 was removed from the agenda for

clarification. Ms. Eberle made a correction to the February 28, 2006 Work Session/Regular Meeting Minutes.

Mr. Vassanella nominated Carl Wright as the Board of Adjustment Alternate #3 Member for an initial term ending 12/31/06 and Joel Mintz as Board of Adjustment Alternate #4 Member for an initial term ending 12/31/07. Deputy Mayor Ashley-Williams stated that there is no real urgency to make these appointments tonight and recommended that Council review the many applications received and to make the appointments at the next meeting.

Deputy Mayor Ashley-Williams moved to table the appointments of the Board of Adjustment Alternate #3 and Alternate #4 Members. Said motion was seconded by Mr. Sumter and failed as follows upon call of the roll:

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

### COUNCIL DISCUSSION ITEM

#### *Construction of a Pedestrian/Bicycle/Equestrian Bridge from Colonial Park to the Delaware and Raritan Canal Towpath*

Mr. Daly reported that the Trails Advisory Committee and the Open Space Advisory Committee advocate that the Somerset County Park Commission construct a Pedestrian/Bicycle/Equestrian Bridge from Colonial Park to the Delaware and Raritan Canal Towpath by utilizing County Open Space Trust Funds. Mr. Daly asked for Council's direction for him to send a letter to the County regarding the same.

Ms. Eberle moved that the Township Manager send a letter of Council's support regarding the construction of a Pedestrian/Bicycle/Equestrian Bridge from Colonial Park to the Delaware and Raritan Canal Towpath. Said motion was seconded by Mr. Regan and carried unanimously upon voice vote. Mr. Regan stated that the Land Use Committee also recommends this bridge.

### APPROVAL OF MINUTES

Mayor Levine presented the following minutes: Work Session/Regular Meeting of October 11, 2005 as submitted; Work Session/Regular Meeting of February 14, 2006 as submitted and Work Session/Regular Meeting of February 28, 2006 as amended.

Mr. Regan moved approval of the following minutes: Work Session/Regular Meeting of October 11, 2005 as submitted; Work Session/Regular Meeting of February 14, 2006 as submitted and Work Session/Regular Meeting of February 28, 2006 as amended. Said motion was seconded by Ms. Eberle 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		Danile (10/11/05)	Ritchie
Eberle	Levine		Regan (2/14 & 2/28/06)	
McKenzie	Sumter			
Vassanella				

### APPROVAL OF WARRANTS

Mayor Levine presented the following warrants in the amount of \$835,744.18 for March 28, 2006 to the Township Council for payment:

1	Current	551,535.17
5	Water Operating	90,036.35
6	Water Capital	6,123.00
4	General Capital	60,869.00
15	Trust Others	9,259.00
18	Self Insurance Trust	2,000.00
12	Open Space Trust	16,716.00
2	Grant	19,120.85
26	Affordable Housing	11,525.75
3	Collector Trust	7,995.07
14	Dog Revenue	901.80
30	Payroll Agency	15,019.69
	Sub-Total	791,101.68
25	Escrow Account	44,642.50
	Grand Total	835,744.18

Ms. Danile moved that warrants in the amount of \$835,744.18 for March 28, 2006 to be paid. Said motion was seconded by Mr. Regan and carried as follows upon call of the roll:

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

#### ORDINANCES – PUBLIC HEARING & FINAL CONSIDERATION

##### Ordinance No. 3600

Mayor Levine offered the following ordinance:

#### **AN ORDINANCE TO ACQUIRE BY PURCHASE OR CONDEMNATION CERTAIN LANDS WITHIN THE TOWNSHIP OF FRANKLIN, SOMERSET COUNTY, STATE OF NEW JERSEY FOR PARKS AND/OR CONSERVATION PURPOSES**

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

Mr. Regan 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.

Phillip Kramer, 429 Canal Road, asked for clarification of Ord. 3600. Mr. Daly replied that Ordinance No. 3600 authorizes acquisition and Ordinance No. 3501 provides for the funding. He stated that he visited the site and the residents and this is a good thing for the Township.

Keith Hall, 376 West Point Avenue, stated that this is a great thing for the area and that he expressed his hope that it be kept as natural as possible.

Zelinda Green, 305 West Point Avenue, supported the ordinance and the preservation of open space.

Beverly Gillian, 290 West Point Avenue, stated that there are over 25 children on West Point Avenue and expressed her hope that it be turned into a park.

Lysette Hall, 376 West Point Avenue, supported the ordinance for the safety of the children and expressed her hope that it be kept as is.

Amber Hall, 376 West Point Avenue, expressed her happiness that the area will be kept safe for children to play and would like to see it stay natural for the wildlife.

C. Dunaenko, 27 Spring Street, expressed concerns regarding the traffic impact and the need to keep the road closed.

Ruby Daly, 335 West Point Avenue, asked that Council consider keeping the neighborhood as is.

Mary Frances, 419 West Point Avenue, expressed her support of the ordinance and how many children play in the area.

Joel Mintz, 17 Sherman Circle, stated that it is very gratifying to see Council consider the acquisition of this property and expressed his concerns regarding traffic if the road is opened up.

Bruce Frank, 274 West Point Avenue, added his support of the ordinance and his hope to see the area remain natural.

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

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

A brief discussion ensued clarifying the ordinance that it is a general ordinance and that all, part or none of the lots can be purchased. Mr. Rainone stated that the ordinance provides for the acquisition of all the lots and that there are different options regarding which ones are going to be purchased. Mr. Daly added that the Open Space Advisory Committee has provided various alternatives in regards to preserving the property without purchasing all of the lots. He stated that once the ordinance is adopted, Council will look at all the options. During the discussion, Ms. Danile found that the block and lots listed in the ordinance do not match the block and lots listed in the summary of the ordinance. Mr. Rainone opined that since the ordinance was published by summary, a motion would need to be made to amend the ordinance to list the correct blocks and lots.

Upon motion by Ms. Danile, seconded by Mr. Regan, Ordinance No. 3600 was amended to list the following block and lots:

West Point Properties: Block 345/ Lots 16-19 (consisting of +/- .73 acres); Block 345/Lots 20-21 (consisting of +/- .36 acres); Block 345/Lots 22-27 (consisting of +/- 1.10 acres) and Block 349.01/Lots 58-67 (consisting of +/- 1.88 acres).

Said motion carried unanimously upon voice vote. Ordinance No. 3600 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			Ritchie
Eberle	Levine			
McKenzie	Regan			
Sumter	Vassanella			

**Ordinance No. 3601**

Mayor Levine offered the following ordinance:

**BOND ORDINANCE AMENDING BOND ORDINANCE NUMBER 3256 FINALLY ADOPTED BY THE TOWNSHIP COUNCIL OF 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," AS AMENDED BY BOND ORDINANCE NUMBER 3293 FINALLY ADOPTED ON JUNE 13, 2002, AS AMENDED BY BOND ORDINANCE NUMBER 3369 FINALLY ADOPTED ON APRIL 8, 2003, AS AMENDED BY BOND ORDINANCE NUMBER 3401 FINALLY ADOPTED ON SEPTEMBER 23, 2003, AS AMENDED BY BOND ORDINANCE NUMBER 3522 FINALLY ADOPTED FEBRUARY 8, 2005, TO AMEND THE DESCRIPTION THEREOF AND REPEALING BOND ORDINANCES NUMBERED 3557 AND 3569**

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

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

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

Joel Mintz, 17 Sherman Circle, asked for clarification of the error in block and lots in Ordinance #3600. Mr. Daly replied with the correct block and lots.

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

Mr. McKenzie moved the final passage of the ordinance and publication in accordance with law. Said motion was seconded by Ms. Danile and carried as follows upon call of the roll:

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

**Ordinance No. 3602**

Mayor Levine offered the following ordinance:

**BOND ORDINANCE PROVIDING FOR THE 2006 ROAD RESURFACING PROGRAM, IN AND BY THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$1,150,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$950,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COSTS THEREOF**

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

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

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

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

Ms. Danile moved the final passage of the ordinance and publication in accordance with law. Said motion was seconded by Mr. Regan and carried as follows upon call of the roll:

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

#### PUBLIC DISCUSSION

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

Kathy Bloomig, 176 Bennetts Lane, expressed her concerns regarding the old Ruffles property and the fill that was brought to that site. Mr. Daly replied that the Township Engineer is enforcing the ordinance and is keeping on top of the matter.

John McConville, 5 Stone Leigh Way, spoke of the Governor's speech and the problem with tax increasing is too much spending. He stated that the burden is on local taxes and that the Township needs to get real and lower taxes.

John Walker, 63 Claremont Road, distributed a map of the contaminated water areas in Franklin Park. He updated Council on his concerns. He stated that the DEP Zone is smaller than the Zone of Involvement of the Township. He also commented on the lack of attendance of the Board of Adjustment and how it has affected a use variance application he has before the board.

Phillip Kramer, 429 Canal Road, welcomed Mr. Regan back. He spoke of his opposition the five minute limit on public comments and asked that it be applied to everyone and not a select group. He stated that he was informed that volunteers would no longer be needed to film meetings. Mr. Daly replied that he has been working with the IT Department and found that it was needed to tighten the organization of the station and that they would use videographers to film the meetings. He stated that his decision was not a reflection of the volunteers. Mr. Kramer asked who made the decision. Mr. Daly replied that it was his decision. Mr. Kramer expressed his sediment that he feels as if public speaking at meetings is being squelched in addition to reduction of political signs and opposition to debates on the government access channel. He stated that he feels as if ones First Amendment rights are being stomped out.

Bill Connell, 25 Spring Street, supported Ordinance No. 3600 and expressed his concerns with additional housing.

Mr. Regan moved to close the public discussion. Said motion was seconded by Ms. Eberle and carried unanimously upon call of the roll.

### COUNCIL COMMENTS

Mr. Daly thanked Mr. Walker for all of his work and information regarding the Franklin Park water contamination problem.

Mr. McKenzie commended Mr. Walker for his efforts. He asked for clarification of the Zone of Involvement. Mr. Daly explained that the larger zone is the Township's Zone of Involvement and the smaller is the DEP zone. He stated that all in both zones would be required to hook up to Township water. Only those in the DEP zone would qualify for the Spill Fund.

A brief discussion ensued regarding the soil that was brought to the Morris property. Mr. Daly stated that Township officials are staying on top of the matter and are investigating the matter. Mr. Daly reported that they are testing the fill that was brought to the property in independent laboratories.

Mr. Vassanella stated that spending needs to be for essentials only and it is unfortunate that there will be no help from the State regarding lowering taxes. He thanked Mr. Walker for urging the appointments to the Board of Adjustment. He expressed his surprise with the situation regarding volunteers and the cable station. He asked he is curious to see Mr. Daly provide clarification and rationale regarding the decision not to use volunteers.

Mr. McKenzie reported that fire district salaries were resolved and asked that the fire districts provide their budgets and salary proposals in October or November. Mr. Daly stated that he would be sending letters to the fire districts outlining the procedures to be followed.

Mr. McKenzie noted people's concerns regarding taxes and that there are never comments regarding the federal taxes and the large amounts of money spent outside the country. He stated that everyone is having problems with taxes and there is a need to look at the overall picture.

Ms. Eberle announced that the Millstone Valley Scenic Byway meeting scheduled for tomorrow was cancelled. She agreed that there are also tax problems at the federal level and not only at the local level. She stated that the municipal portion of the tax bill is 14% of the total bill, the remaining 86% is school, county, fire district and open space.

Ms. Danile thanked Mr. Walker for all his hard work and updates on the Franklin Park water contamination problem. She spoke of the need to fill the Zoning Board appointments and the need to fill them by the next meeting. She reported that the Easton Farm Drainage project will be completed by the end of April. She spoke of the swearing in ceremonies tonight and commended the Police Chief and the Police Department. She reported that the Police Chief will be recognized on May 1<sup>st</sup> at the Trenton War Memorial for Excellence in Customer Service. Ms. Danile stated the comments regarding the taxes tonight are interesting and noted that we have lower taxes than other countries. She noted that other countries have socialized medicine and take better care of their citizens. She stated that the elimination of wasteful spending should be goal at all levels of government.

Mr. Sumter commended the Police Chief and congratulated all the new officers, the promoted officers and the Chaplain. He commended Council for working with the West Point Avenue residents. She stated that the safety of the children is paramount.

Mr. Regan expressed his contentment that Mr. Daly and staff are staying on top of the Morris property. He congratulated the Police Department officers. He spoke on the Summer Food Program Grant that is available to residents and should be taken advantage of. He stated he would like clarification regarding the non-use of volunteers and FTTV-25. He spoke of the harsh reality of taxes, especially municipal taxes.

Ms. Eberle spoke of when she was Mayor and how the Township was complimented for its Police Department. Mr. McKenzie commended the Police Department and congratulated the new officers and the promoted officers.

Deputy Mayor Ashley-Williams spoke of how she did not support the Police Department a few years ago. She stated that the Department has gone through major changes and the Police Chief is a dedicated leader. She expressed her pride of the Department and her contentment for the return of community policing. She expressed her support to buy all the lots on West Point Avenue. She indicated that it is important to appoint the right people to serve on the Board of Adjustment and stated that it is a matter that can wait until the next meeting. She commended the summer lunch program.

Mayor Levine spoke of the wasteful spending at high levels of government. He stated that flat funding hurts growing municipalities. Mayor Levine spoke of his belief that the testing being conducted at the ex-Ruffles property be at no cost to the taxpayer.

### **INTRODUCTION OF ORDINANCES**

#### **Ordinance No. 3604**

Mayor Levine presented the following ordinance:

**AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 226, VEHICLES AND TRAFFIC - SECTION 226-13, PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS (BERKLEY PLACE)**

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 April 25, 2006.

Ms. Danile moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on April 25, 2006 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:

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

#### **Ordinance No. 3605**

Mayor Levine presented the following ordinance:

**BOND ORDINANCE PROVIDING FOR THE PURCHASE AND INSTALLATION OF VARIOUS INFORMATION SERVICES EQUIPMENT FOR VARIOUS DEPARTMENTS IN THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$150,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$142,800 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COSTS THEREOF**

Mayor Levine stated that the foregoing ordinance is presented to the Township Council for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on April 25, 2006.

Ms. Danile moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on April 25, 2006 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			Ritchie
Eberle	Levine			
McKenzie	Regan			
Sumter	Vassanella			

**Ordinance No. 3606**

Mayor Levine presented the following ordinance:

**BOND ORDINANCE PROVIDING FOR THE PURCHASE AND INSTALLATION OF EQUIPMENT FOR THE TRUNKED RADIO SYSTEM, BY AND IN THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$3,500,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$3,333,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COSTS THEREOF**

Mayor Levine stated that the foregoing ordinance is presented to the Township Council for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on April 25, 2006.

Ms. Danile moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on April 25, 2006 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			Ritchie
Eberle	Levine			
McKenzie	Regan			
Sumter	Vassanella			

**CONSENT AGENDA ITEMS**

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

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

**Resolution #06-106** Authorize Release of Performance Bond – US Home Corp. (Woodrow Estates) – Docket PLN2002-009 – Block 445/Lot 1 – 1400 Easton Avenue – Site Improvements - \$32,784.00.

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

ITEM: Performance Bond  
 NAME OF APPLICANT: U.S. Home Corp (Woodrow Estates)  
 ADDRESS OF APPLICANT: 800 West Main Street, Freehold, NJ 07728  
 NUMBER: SB0092737  
 INSURANCE CO./BANK: XL Specialty Insurance Co.  
 IN THE AMOUNT OF: \$32,784.00  
 FOR: Site Improvements – Block 445/Lot 1 – 1400 Easton Avenue

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

**WHEREAS**, the Township Engineer, after inspection, recommended release of the aforesaid Performance Bond upon submission of \$3,000.00 bond for the installation of ten (10) shade trees and a two (2) year maintenance bond in the amount of \$4,467.60;

**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 \$32,784.00 be released to the above named applicant upon submission of \$3,000.00 bond for the installation of ten (10) shade trees and a two (2) year maintenance bond in the amount of \$4,467.60.

**Resolution #06-107** Authorize Street Opening Release of Surety and Deposit.

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

**WHEREAS**, notification has been received from the Department of Public Works stating that all work has been completed in accordance with Standards of Ordinance No. 599;

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

**Permit Number:** 6386  
**Opening Location:** 28 Highwood Road  
**Applicant's Name & Address:** Matthew Fontana  
 28 Highwood Road  
 Somerset, NJ 08873  
**Deposit/Surety:** \$300/\$300

**Resolution #06-109** Authorize Release of The Bannett Group (Walgreen's) – Docket PLN2002-0028 – Block 126.02/Lot 1 – Hamilton & Berry Streets – Remainder of Site Improvements - \$99,460.62.

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

ITEM: Irrevocable Letter of Credit  
 NAME OF APPLICANT: The Bannett Group (Walgreen's)  
 ADDRESS OF APPLICANT: 1998 Springdale Road, Suite 101, Cherry Hill, NJ 08003  
 NUMBER: 2731  
 INSURANCE CO./BANK: Sovereign Bank  
 IN THE AMOUNT OF: \$99,460.62  
 FOR: Site Improvements – Block 126.02/Lot 1 – Hamilton & Berry Streets

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

**WHEREAS**, the Township Engineer, after inspection, recommended 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 in the amount of \$99,460.62 be released to the above named applicant.

**Resolution #06-110** Authorize Reimbursement Agreement – NJ of Agriculture Summer Food Program - \$5,422.07.

**BE IT AND IT IS HEREBY RESOLVED** That the Township Council of the Township of Franklin, County of Franklin, County of Somerset, State of New Jersey, does hereby authorize the submission of the following reimbursement agreement and does authorize the appropriate Township Officials to execute said grant on its behalf:

**New Jersey Department of Agriculture Summer Food Service Program for the Naaman Williams Park Day Camp site in the amount of \$5,422.07**

**Resolution #06-111** Authorize Tax Title Lien Redemption – Outside Buyer.

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

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

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

**Date of Sale:** June 9, 2005  
**Block/Lot:** 150/89  
**Name & Address:** Kirkland, C. & Bullard, M.  
689 Somerset Street  
Somerset, NJ 08873  
**Amount:** \$820.48  
**Make Check Payable To:** Sanjoy LLC  
11 Stone Leigh Drive  
Scotch Plains, NJ 07076  
**Certificate No.:** 05-034  
**Payment Received:** March 9, 2006

**Date of Sale:** June 9, 2005  
**Block/Lot:** 287.02/33.08  
**Name & Address:** Okonkwo, Simon E.  
10 Tall Oaks Road  
Somerset, NJ 08873  
**Amount:** \$5,155.84  
**Make Check Payable To:** Sequoia Investments  
P.O. Box 5600  
Woodbridge, NJ 07095

**Certificate No.:** 05-067  
**Payment Received:** March 15, 2006

**Resolution #06-112** Authorize Insertion in Budget – Chapter 159 – FY2006 Summer Food Service Program - \$5,422.07.

**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 \$5,422.07 with \$0.00 match for FY2006 SUMMER FOOD SERVICE PROGRAM and wishes to amend its 2006 Budget to include a portion of this additional amount as a revenue;

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Franklin, Somerset County hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Budget for the year 2006 in the sum of \$5,422.07 which is now available as revenue from:

**FY2006 SUMMER FOOD SERVICE PROGRAM**

**BE IT FURTHER RESOLVED** that a like sum of \$5,422.07, – FY2006 SUMMER FOOD SERVICE PROGRAM, be and the same is hereby appropriated under the caption of:

**FY2006 SUMMER FOOD SERVICE PROGRAM**

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

**Resolution #06-113** Authorize Refund of Tax Overpayments.

**WHEREAS**, there appears on the books of the Collector of Revenue refunds due resulting from Tax Overpayments; and

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

**NOW, THEREFORE, BE IT RESOLVED** that the Township Treasurer of the Township of Franklin, Somerset County, be instructed to draw checks in the amounts covering the overpayments and to deliver said checks to the proper persons.

<u>BLOCK/LOT</u>	<u>NAME/ADDRESS</u>	<u>QTR/YR</u>	<u>AMOUNT</u>
62/6 TO 4.01	Township of Franklin	1/05	7.97
		2/05	7.96
		New Tax ID	6.71
357/9 TO 181/35		1/06 Paid on Wrong Property	1,524.56 351.20
		06/1 Transfer to Trust	299.60
330/17			

34.05/52.05C0215	Jennings, Denise 20-215 DeLar Parkway Franklin Park, NJ 08823	2/0 3/06 Owner Paid in Error	528.07 .01
502.02/37.01	Rond LLC 4243 Hunt Road Cincinnati, OH 45242	4/05 Tax Appeal	98,800.00

**Resolution #06-114** Authorize Release of Monument Escrow – The Palace at Somerset – Docket PLN2002-0075 – Block 502.01/Lots 5 & 53.01 – Davidson Avenue – 64 Monuments Placement - \$16,000.00.

**WHEREAS**, the Township Clerk of the Township of Franklin, Somerset County, New Jersey 08873, has received escrow monies for purposes of guaranteeing the setting of monuments as noted below; and

**WHEREAS**, the Township Engineer has certified that the monuments have been set and has recommended that the monument escrow as set forth be returned to the applicant:

NAME OF APPLICANT:	THE PALACE AT SOMERSET
ADDRESS OF APPLICANT:	167 Main Street Flemington, NJ 08822
DOCKET:	PLN2002-0075
LOCATION:	Block 502.01/Lots 5 & 53.01 – Davidson Avenue
AMOUNT DEPOSITED:	\$16,000.00
FOR:	64 Monument Placements

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin, Somerset County, New Jersey, that the monument 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 #06-115** Authorize Tax Remittals.

**WHEREAS**, there appears on the books of the Collector of Revenue, taxes to be remitted as a result of Township owned and Tax Exempt;

<u>Block/Lot</u>	<u>Name/Address</u>	<u>QTR/YR</u>	<u>Amount</u>
11.01/52	Township of Franklin	4/05	165.83
507.14/63.01		3-4/05	1860.71
507.14/64		3/4/05	4,564.96

**Resolution #06-116** Authorize Person-to-Person and Place-to-Place Liquor License Transfer – License #1808-36-036-001 from WNC Somerset Company to Ruby Tuesday Inc. – 250 Davidson Avenue.

**WHEREAS**, an application has been filed for a Person-to-Person transfer of Plenary Retail Consumption (Hotel/Motel Exception) License Number 1808-36-036-001, heretofore issued to WNC Somerset Co., LLC for premises located at 250 Davidson Avenue, Somerset, New Jersey; and

**WHEREAS**, an application has been filed for a Place-to-Place transfer (Expansion of Premises) of Plenary Retail Consumption (Hotel/Motel Exception) License Number 1808-36-036-001, for purposes of expanding the premises under license wherein the sale, service, and storage of alcoholic beverages are authorized; 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;

**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 license business;

**NOW, THEREFORE, BE IT RESOLVED** that the Franklin Township Council does hereby approve, effective April 17, 2006, transfer of the aforesaid Plenary Retail Consumption License (Hotel/Motel Exception) to Ruby Tuesday's Inc. and does hereby direct the Township Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions is hereby transferred to Ruby Tuesday's Inc., effective April 17, 2006."

**BE IT FURTHER RESOLVED** that the Franklin Township Council does hereby approve, effective April 17, 2006, the expansion of the aforesaid Plenary Retail Consumption license premises located at 250 Davidson Avenue, Somerset New Jersey, to place under the area delineated in the application form and the sketch of the licensed premises attached thereto.

**Resolution #06-117** Authorize Person-to-Person Liquor License Transfer – License #1808-36-026-005 from DT Management Inc. to Pyramid NJ Management LLC – t/a Doubletree Hotel – 200 Atrium Drive.

**WHEREAS**, an application has been filed for a person to person transfer of Plenary Retail Consumption License No. 1808-36-026-005, heretofore issued to DT Management Inc. t/a Double Tree Hotel; 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 **March 29, 2006** the transfer of the aforesaid Plenary Retail Consumption License to Pyramid NJ Management LLC and does hereby direct the Township Clerk to endorse the license certificate to the new ownership as follows: "**This license, subject to all its terms and conditions, is hereby transferred to Pyramid NJ Management LLC, Inc. effective March 29, 2006.**"

**Resolution #06-118** Amend Somerset County Cooperative Bid Award – Atlantic Salt Inc. – Ice Control Salt – Additional \$20,000.00.

**WHEREAS**, the Township of Franklin desires to purchase items as follows through State Contract and/or Somerset County Cooperative Bid, which items when combined with prior purchases exceed the prevailing bid threshold:

**VENDOR:**

**ATLANTIC SALT**  
120 Plain Street Lowell MA 01851  
**Somerset County #CC-34-04**

**ITEMS: Ice control salt**

**COST: An additional amount not to exceed \$20,000.00**

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

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Franklin, County of Somerset and State of New Jersey does hereby authorize the Mayor and Township Clerk to execute a contract with the above named vendor to purchase the specified items under Somerset County Cooperative Bid for an additional amount of \$20,000.

**Resolution #06-119** Award State Contract – Warnock Automotive Inc. – 2006 Explorer for Animal Control – Not to Exceed \$19,759.35.

**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: Warnock Automotive Inc.**  
175 Route 10  
East Hanover, NJ 07936  
**State Contract No. A63961**

**ITEMS: One (1) Ford Explorer**  
**COST: \$19,759.35**

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

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

**Resolution #06-120** Award CDBG Housing Rehabilitation – JDA Contracting for 1370 Easton Avenue in an amount not to exceed \$17,930.00 and JDL Contracting Co., Inc. for 86 Spruce Street in an amount not to exceed \$19,565.00.

**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: \$17,930.00**  
**PROJECT: 1370 Easton Avenue**

**CONTRACTOR:** JDL Electrical Contracting  
4 Timothy Avenue  
Kendall Park, NJ 08824  
**AMOUNT:** \$19,565.00  
**PROJECT:** 86 Spruce Street

**Resolution #06-121** Award Professional Services Contract – Rutgers University, School of Planning and Public Policy – Transit Service Feasibility Study – Amount Not to Exceed \$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 hereon that funds are available; and

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

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

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

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

**VENDOR NAME:** Rutgers University – School of Planning and Public Policy  
**ADDRESS:** 33 Livingston Avenue, Suite 500  
New Brunswick, NJ 08901  
**CONTRACT AMOUNT:** Not to exceed \$25,000.00  
**SERVICE:** Services in connection with a transit service feasibility study

**Resolution #06-122** Award Bid – Garden State Highway Products Inc. – Sign Blanks for Road Department – Contract Period: 04/01/06 to 03/31/08 - \$30,000.00 annually.

**WHEREAS**, a notice to bidders for the receipt of bids for Sign Blanks for the Department of Public Works was published in the Courier News on February 9, 2006 for receipt on March 7, 2006;

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

**WHEREAS**, that continuation of the terms of this contract beyond June 30, 2006 is contingent upon availability of funds in the 2007 FY Budget, and in the event of unavailability of such funds, the Township of Franklin reserves the right to cancel this contract.

**BE IT RESOLVED** by the Township Council of the Township of Franklin, Somerset County, New Jersey that the bid for Sign Blanks for the Road Department is awarded to Garden State Highway Products for the contract period of April 1, 2006 through March 31, 2008 in an amount not to exceed \$30,000.00.

**BE IT FURTHER RESOLVED** that the attached bid award is incorporated by reference and made part of the resolution.

**Resolution #06-123** Authorize Release of Planning/Building Escrow.

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

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

APPLICANT:	The Bannett Group LTD
ADDRESS:	1998 Springdale Road, Suite 101 Cherry Hill, NJ 08803
DOCKET NO.	PLN2002-0028
BLOCK/LOT:	126.01/1
LOCATION:	Hamilton Street – Walgreen’s
AMOUNT DEPOSITED:	\$8,144.19 <In-Hse>
AMOUNT CHARGED:	<u>5,925.00</u>
AMOUNT TO BE REFUNDED:	\$2,219.19

APPLICANT:	Pillar of Fire
ADDRESS:	10 C. Apel Drive Zarepath, NJ 08890
DOCKET NO.	PLN2002-0017
BLOCK/LOT:	516/3
LOCATION:	Weston Canal Road
AMOUNT DEPOSITED:	\$1,000.00 <In-Hse>
AMOUNT CHARGED:	<u>100.00</u>
AMOUNT TO BE REFUNDED:	\$ 900.00

APPLICANT:	Pillar of Fire
ADDRESS:	10 C. Apel Drive Zarepath, NJ 08890
DOCKET NO.	PLN2003-0042
BLOCK/LOT:	516/2-3

LOCATION: Weston Canal Road  
 AMOUNT DEPOSITED: \$1,400.00 <In-Hse>  
 AMOUNT CHARGED: 487.50  
 AMOUNT TO BE REFUNDED: \$ 912.50

**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.

**Resolution #06-124** Authorize Issuance of Raffle License

**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:

<b><u>NAME OF ORGANIZATION</u></b>	<b><u>DATE OF RAFFLE/BINGO</u></b>
CentraState Healthcare Foundation 916 Route 33, Suite 6 Freehold, NJ 07728 Off-Premise 50/50 – RL#1554 Drawing: The Palace at Somerset	September 30, 2006 6:00 pm – 11:30 pm

**Resolution #06-125** Award Bid – Supreme Computer for Container for electronics and Container for light iron and freon removal in an amount not to exceed \$30,000 each year and Midco Waste Systems – Compactor rental and recycling containers and containers through Township as needed in an amount not to exceed \$145,000.00 each year.

**WHEREAS**, a notice to bidders for the receipt of bids for the Rental of compactor and various containers; containers for light iron and freon removal and container for electronics for the period March 1, 2006 to February 28, 2008 was published in the Courier News on February 3, 2006, with two addenda on February 17, 2006 and February 24, 2006, moving the original bid date from February 21, 2006 to March 7, 2006;

**WHEREAS**, the Chief Financial Officer has certified 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:

**SUPREME COMPUTER**

1955 Swarthmore Avenue  
Lakewood, NJ 08701-4557

Container for electronics

Container for light iron and freon removal

An amount not to exceed \$30,000.00 annually; and

**MIDCO WASTE SYSTEM**

5 Industrial Drive

New Brunswick NJ 08901

Compactor rental recycling containers

Containers throughout Township as needed

An amount not to exceed \$145,000.00 annually; 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; and

**BE IT FURTHER RESOLVED** that continuation of the terms of this contract beyond June 30, 2006 is contingent upon availability of funds in the 2007 and 2007 FY Budgets, and in the event of unavailability of such funds, the Township of Franklin reserves the right to cancel this contract.

**APPOINTMENTS**

**Board/Commission Appointments**

*Zoning Board of Adjustment Alternate Nos. 3 & 4*

Mr. Rainone reported that after a brief review the appointments for Zoning Board of Adjustment Alternate Nos. 3 & 4 cannot be made this evening because the ordinance establishing the positions is not effective until April 3<sup>rd</sup>.

Ms. Danile read that the following vacancies are open:

- a) Regular Member of the Agricultural Advisory Committee for a one-year term ending 12/31/06.
- b) Regular Member of the Historic Preservation Commission for a two-year term ending 12/31/07.
- c) Alternate #2 Member of the Historic Preservation Commission for an unexpired term ending 12/31/06.
- d) Alternate #2 Member to the Rent Leveling Board for a one-year term ending 12/31/06.
- e) Municipal Liaison to the Somerset County Cultural & Heritage Advisory Committee for a one-year term ending 12/31/06.
- f) Board of Adjustment Alternate #3 Member for an initial term ending 12/31/06.
- g) Board of Adjustment Alternate #4 Member for an initial term ending 12/31/07.

Council directed the Township Clerk to post the vacancies on the webpage and to have applications submitted to her office.

**ADJOURNMENT**

Mr. McKenzie moved to adjourn the meeting at 10:30 p.m. Said motion was seconded by Mr. Regan and carried unanimously upon call of the roll.

Approved:

Brian D. Levine, Mayor

Date:

Ann Marie McCarthy, Township Clerk