

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 June 13, 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 Mr. Sumter led the Invocation.

The Township Clerk called the roll.

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

Absent: Mr. Regan

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

#### **COMMENDATIONS/PROCLAMATIONS**

The Mayor and Council presented the following Commendations and Proclamations:

##### **Honoring Michael Moser**

**WHEREAS**, the Township of Franklin is benefited by citizens who contribute their time, talent and skills for the betterment of our community; and

**WHEREAS, MICHAEL MOSER** was appointed by the Franklin Township Council to the Business & Industry Advisory Board as the Hotel Industry Member on February 24, 2004; and

**WHEREAS**, during his tenure on the Business & Industry Advisory Board he succeeded in demonstrating excellence in local business and community service; and

**NOW, THEREFORE, I, BRIAN D. LEVINE, MAYOR** of the Township of Franklin in the County of Somerset, State of New Jersey, extend gratitude and appreciation on behalf of the Township Council and Franklin Township businesses and citizens to **MICHAEL MOSER** for his dedication and service to our community and for the benefits reaped by the Township of Franklin through his efforts and wish him success and happiness in future endeavors.

##### **Gifted & Talented Students of Hillcrest**

**WHEREAS**, the Township Council of the Township of Franklin wishes to recognize the third grade **Gifted and Talented students of Hillcrest School** for their designation as **First Place Winners in the New Jersey Bar Foundation's Annual Law Fair Contest**; and

**WHEREAS**, the students reviewed legal concepts such as breaking and entering, malicious destruction of property, negligence, and parental responsibility through the case study of “Goldilocks”; and

**WHEREAS**, as a result of the students’ diligence and effort, which included writing an entire case, their project was turned into a trial in front of a judge and jury on May 15, 2006, at the Law Center on Constitution Avenue, New Brunswick, in which each student acted out a part,

**NOW, THEREFORE, We, Brian D. Levine, Mayor and Wandra Ashley-Williams, Deputy Mayor** of the Township of Franklin, County of Somerset, State of New Jersey, on behalf of the Township Council and all of its residents do offer our congratulations to the following:

	Jeff Wren, Principal of Hillcrest School	
	Pamela Treut, Gifted and Talented Teacher	
Majed Ammari	Aaliyah Milson	Jerome Ramos
Anthony Kovacs	Joseph Morales	Kayla Tinio
Nikita Kulkarni	Steven Murset	David Valdevieso
	Ayanna Neal	

**Ted Kaplan Award Recipients**

**WHEREAS**, the Franklin Thunder Basketball Program is for children ages 8-12 with special needs that attend out-of-district schools; and

**WHEREAS**, the program teaches the participants the basics of basketball by incorporating fun drills, guest speakers and games; and

**WHEREAS**, the Franklin Thunder Basketball Team received the “Ted Kaplan Exemplary Recreation Team Award” from the NJ Commission on Recreation for Individuals with Disabilities at the Governor’s Conference for Individuals with Disabilities on May 24, 2006; and

**WHEREAS**, the “Ted Kaplan Exemplary Recreation Team Award” is bestowed by the Commission upon a sports team that implements a unique team activity or activities to enhance the leisure lifestyle of individuals with disabilities through recreation or sports activities; and

**WHEREAS**, the Franklin Thunder Basketball Team consists of Shawn Albert; Gervasio Aquino; Kevin Brownlie; Joshua Ciccione; Khalil Freeland; Langston Gravesande; Zachariah Kokosinski; Brandon Shambo; Quinton Socarras; Kevin Teixeira; Adam Timari; Nicholas Waclawski; Jonathan Daley; Timmy Cartledge; Joshua Markey; Rashon Middleton; Billie Hawkins; Dania Hunt; Leah Madison; Korshae Ogletree; Jalissa Ratliff; Chantae Stone; Kaona McGowen; Samantha Michaele; Rebecca Michaele; Alexis Scott; Coaches John Stone, Brenda Stone and Bruce Medley and Sue van Aken, Superintendent of Recreation; and

**NOW, THEREFORE, I, BRIAN LEVINE, MAYOR** of the Township of Franklin, County of Somerset, State of New Jersey, on behalf of the Township Council and the citizens of Franklin Township, hereby congratulate the Franklin Thunder Basketball Team for their outstanding achievements and commend them for their character, talent and hard work.

**Robert Girardi**

**WHEREAS, ROBERT GIRARDI** has served the residents of the Township of Franklin for 20 years, working in the Department of Public Works since October 28, 1985; and

**WHEREAS, ROBERT GIRARDI** is retiring from the Franklin Township Department of Public Works,

**NOW, THEREFORE, I, BRIAN D. LEVINE, MAYOR** of the Township of Franklin in the County of Somerset, State of New Jersey, on behalf of the Township Council and all of the residents do hereby thank and commend ROBERT GIRARDI for his dedication and service to our community and for the benefits reaped by the Township of Franklin through his efforts and do hereby extend to ROBERT GIRARDI and his family, best wishes for success and happiness in their future endeavors.

**Celebrate New Jersey! Month**

**WHEREAS**, New Jersey's people are resilient, hardworking, intelligent, generous, fun-loving, adventurous, tolerant and accepting of our state's ethnic diversity; and

**WHEREAS**, New Jersey has been home or birthplace to many talented, heroic, and illustrious people including Walt Whitman, Bud Abbott, Lou Costello, Molly Pitcher, Frank Sinatra, Elizabeth Cady Stanton, Woodrow Wilson, Edwin "Buzz" Aldrin, Temperance "Tempe" Wick, William "Count" Basie, Charles and Anne Morrow Lindberg, Clara Barton, Millicent Fenwick, Yogi Berra and Thomas Edison; and

**WHEREAS**, New Jersey has the highest high school graduation rate in the nation (in a state of 8 million people, NJ is home to over 2,400 public schools, 1,200 private schools, 3 public research universities, 9 state colleges, 19 community colleges, and 14 independent 4-year colleges); and

**WHEREAS**, New Jersey is second to none in its opportunities for outdoor recreation (boating, swimming, hiking, kayaking, biking, canoeing, fishing) and horseback riding and racing events; and

**WHEREAS**, New Jersey has two world-class wetlands (the Great Swamp and the Meadowlands), a wilderness area as large as the Grand Canyon (the Pine Barrens), and world-famous wildlife viewing locations; and

**WHEREAS**, New Jersey is the place where the first dinosaur skeleton was discovered, the first motion picture produced, the first commercial blueberry grown, the first transistor invented, the first transatlantic fiber-optic laid, the first electric light bulb lit, the first successful naval submarine used, the first school of dog guides for the blind opened, and the first phonograph played; and

**WHEREAS**, New Jersey's people have demonstrated patriotism, courage, skill and tenacity, from the earliest European settlements to the exploits of the NJ militia and civilians during the American Revolution, to the highly decorated New Jerseyans who fought during WWI and WWII, to the battleship U.S.S. New Jersey (never defeated during its active duty in the Pacific), the Korean and Vietnam Wars; and

**WHEREAS**, New Jersey's maritime location and rich soils produce some of the finest cuisine found anywhere (celebrating **Jersey Fresh** and **Jersey Seafood**); is home to world famous snacks and treats like M&Ms, Oreos, Devil Dogs and Chuckles; and is the location of numerous food and wine festivals; and

**WHEREAS**, New Jersey's gardens, arboretums, and parks are a never ending source of beauty and pride; and our state's theaters, artists, museums, and historic sites offer world-class entertainment, enrichment, and education; and

**WHEREAS**, New Jersey's diversity is our strength, welcoming immigrants from all over the world, providing a favorable entry point into the American dream;

**NOW, THEREFORE, I, BRIAN D. LEVINE, MAYOR** of the Township of Franklin, on behalf of the Township Council do hereby proclaim **June, 2006 as CELEBRATE NEW JERSEY! MONTH**

**CDBG ANNUAL ACTION PLAN**

Bonnie von Ohlen, Grants Coordinator, reviewed the Financial Oversight Committee's recommendations for the grant awards as follows:

"The Committee reviewed the recommendations from the Grants Coordinator and Consultant on the distribution of the \$311,170 in funds available for the next CDBG program year. Proposals received totaled \$431,848. The Committee voted to change the recommendation for the Franklin Township After School program to \$0 because it has enough unspent funds from the prior year to continue through the next program year. Of these \$9,422, the Committee recommends \$5,000 to the Housing Rehabilitation program. The Committee's recommendations in full are as follows:

<b><u>Project</u></b>	<b><u>Funded 05</u></b>	<b><u>Requested 06</u></b>	<b><u>Recommended 06</u></b>
Rehabilitation	170,808	170,261	174,683
<i>Other Public Facilities</i>			
FT Food Bank	4,341		
Great Expectations	50,000		
Somerset Residence	12,000	45,000	45,000
<i>Public Service (15%)</i>			
Family & Comm. Services	14,360	17,300	17,300
FT After School	27,917	25,100	
SCCOAH	12,450	12,953	12,953
CADET		40,000	
Homesharing, Inc.		5,000	5,000
Major Group Foundation		45,000	5,000
FT Rec. Senior Wellness		5,000	5,000
<i>Planning/Administration (20%)</i>	72,969	66,234	66,234
Total	364,845	431,848	331,170"

**Public Hearing**

Ms. Ritchie moved to open the meeting for a public hearing on the CDBG Annual Action Plan. Said motion was seconded by Ms. Danile and carried unanimously upon voice vote.

Mayor Levine announced the meeting is open to the public discussion on the CDBG Annual Action Plan. Anyone interested in speaking, please raise your hand and when recognized, give your name and address.

There being no comments from the public, Mr. Sumter moved to close the meeting for a public hearing on the CDBG Annual Action Plan. Said motion was seconded by Ms. Ritchie and carried unanimously upon voice vote.

**Resolution #06-224** Approving the fiscal Year 2006 Community Development Block Grant Program 1002 Action Plan.

Mayor Levine presented the following resolution:

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 2006 Community Development Block Grant in the estimated amount of Three Hundred Thirty One Thousand One Hundred Seventy Dollars (\$331,170);

WHEREAS, the Township can budget a total of Three Hundred Thirty One Thousand One Hundred Seventy Dollars (\$331,170) for eligible activities to Fiscal Year 2006;

WHEREAS, Public Hearings were held on February 14, March 28 and June 13, 2006 to provide citizen participation in the development of the Action Plan for HUD's Fiscal Year 2006;

**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 2006 Community Development Block Grant Program for Franklin Township is hereby in all respects approved.

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

Section 3. The Mayor of the Township of Franklin on behalf of the Township Council, is authorized to file an application for Three Hundred Thirty One Thousand One Hundred Seventy Dollars (\$331,170), which the U.S. Department of Housing and Urban Development has indicated it is willing to make available to carry out the Community Development Program, and act as authorized representative of the Township of Franklin.

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

The aforesaid resolution was moved by Ms. Ritchie, seconded by Mr. Sumter and adopted as follows upon call of the roll:

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

#### 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. He stated to watch for budget meetings to be scheduled in the summer. HE asked that Council submit their summer schedules to the Township Manager by mid-June. 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 Home News Tribune has offered a Mayor's Blog at thnt.com. It is offered to all Mayors in central New Jersey. He noted that Franklin Township is the only municipality to take them up on their offer. He stated he would periodically list happenings and opinion on the blog. He invited comments, questions and answers from the public.
- Spoke of the dedication of the Kevin Apuzzio Memorial Plaza held on June 1<sup>st</sup>. It is located by the East Franklin Fire Company.
- Announced that the Primary Election was held on June 6, 2006. He congratulated all the successful candidates. He offered best wishes to all those who were not successful for their willingness to participate in the system is exemplary.
- Spoke of the National Guard Welcome Home Ceremony held on June 3<sup>rd</sup>.
- Announced there would be an Executive Session held at the end of the meeting and action may be taken in public session afterwards.

### **DEPUTY MAYOR REPORT**

Deputy Mayor Ashley-Williams made the following report:

- Announced there would be a Prostate Cancer Screening held by the Health Department on June 15, 2006. For more information see the Township's webpage.
- Spoke of her participation with the League of Municipalities Legislative Committee. She stated their support of A3133 which permits municipal board of library commissioners to reduce library tax rate when municipality acquires new ratables.
- Spoke of the NJDOT deer removal policy being turned over to the municipalities. She stated that the Township is ready for the transition and is currently being trained.
- Thanked all those involved in the Kevin Apuzzio Memorial Plaza.
- Spoke of the National Guard Welcome Home Ceremony held on June 3<sup>rd</sup>.
- Announced that the Somerset Baptist Church held a seminar called *The Law and You* regarding what to do when you are approached by a Police Officer.
- Relayed thanks from the Betty Scott Family for everyone's prayers and help.

### **COMMITTEE REPORTS**

#### **Library Board**

Deputy Mayor Ashley-Williams submitted the Library Director's Report for April 20-May 18, 2006 and the Proposed Budget for 2006-2007. A copy is on file in the Township Clerk's Office.

#### **Financial Oversight Committee**

Ms. Danile reported that at the last Financial Oversight Committee meeting held on June 2, 2006, the following was discussed:

- Budget Transfers. See Resolution #06-227 under Consent Agenda Items.

- The Budget Hearings will be held on the following dates: July 18, July 25, August 1 and August 8.
- The current Township debt is currently under the debt limit as per State Statute.
- Recommendation not to lower minimum bid for the sale of the Township's last plenary retail consumption license.
- South Brunswick EMS– Kendall Park property conveyed to squad.
- No conclusion as to changing where the Mayor's wedding fees would be dedicated.

Upon motion by Ms. Ritchie, seconded by Ms. Danile, the following Budget Hearing Schedule was adopted: July 18, July 25, August 1, August 8, 2006, all at 7:00 p.m. Said motion was carried unanimously upon call of the roll.

### **Hamilton Street Business Corporation**

Mr. Vassanella reported that the Hamilton Street Business Corporation is working on the next phase of improvements that will include parking stalls and additional lighting. He announced that the Week of the People would be held from September 10 through September 17. Plans are moving ahead.

### **REVIEW OF THE PREPARED AGENDA**

Mayor Levine lead the following review of the Prepared Agenda:

- Ms. Ritchie asked why the Township was still doing business with Somerset Management Corporation when it has had problems with their service. She suggested that staff look into finding another vendor for its printing needs.
- Ms. Ritchie suggested that the Recommendations at the end of Ordinance No. 3621 be removed from the ordinance. Ms. Ritchie moved to make the aforesaid amendment to Ordinance No. 3621, seconded by Ms. Danile and carried unanimously upon call of the roll.
- Mayor Levine requested that Resolution #06-234 be removed from the Consent Agenda and be voted on separately.

### **COUNCIL DISCUSSION ITEMS**

Ms. Danile asked Council to revisit the sign ordinance in relation to banners and fees that are required for banners as a discussion item on the June 29<sup>th</sup> Council meeting. She stated she has noticed more signs in the right-of-ways throughout the Township and not just on the weekends. She stated that fines could be imposed on those in violation of the sign ordinance.

Ms. Danile requested that a petition prepared by the residents of Canal Walk be listed as a discussion item on the July 11<sup>th</sup> agenda. The discussion would relate to a proposed moratorium on assessments. Mr. Vassanella asked if the discussion could be town-wide instead of only those in Canal Walk.

Ms. Danile asked Ms. Vieiro to clarify rumors that the Affordable Housing List has no one listed on it. Ms. Vieiro replied there are 39 Franklin residents on the list to purchase affordable housing and there are 64 on the list for rentals. There are at least 400 on the list comprising of both residents and non-residents. Ms. Ritchie stated the rumor resulted from a comment made by former Planning Board member, Joseph Danielson, during a radio conversation, where he stated there was no demand at all for affordable housing in Franklin Township.

Ms. Danile asked the Township Attorney for a status report regarding the comments made by former Board of Education member, Jay Hernandez at the May 2<sup>nd</sup> meeting. She expressed Council's concerns that Mr. Hernandez was admonishing the Council as a whole for

the acts of a few members. She stated that it was disconcerting to those who had no interaction with Mr. Hernandez. She stated that Council would like to know who did what and to clear the names of Council members who were not involved in said unethical act.

Mr. Rainone reported that Mr. Daly had attempted to set up a meeting with Mr. Hernandez and was unsuccessful. Mr. Daly spoke to Mr. Hernandez and was told that he did not have an interest to meet with him or Mr. Daly. Mr. Rainone stated he contacted Mr. Hernandez and was told he was a ribbon cutting ceremony for the new high school and he had a conversation with two (2) Council members who indicated to him they would consider supporting him for re-election if he distanced himself from his running mates. He stated Mr. Hernandez thought of this as bringing politics into a school election and to the Board of Education. He stated that Mr. Hernandez deemed this inappropriate because he felt that the Board of Education election should be something different than a partisan political election.

Mr. Rainone stated he asked Mr. Hernandez to identify the two (2) Council members. Mr. Hernandez refused and only stated that it was not Ms. Ritchie, Deputy Mayor Ashley-Williams and Ms. Danile. Mr. Rainone stated that Mr. Hernandez received a telephone call from Mr. Regan of which he has not returned. Mr. Rainone stated that Mr. Hernandez is willing to speak to any Council member who would like to discuss the matter, but he would not come and meet with Council as a whole.

Ms. Eberle stated she would like to know which Council members he is talking about. She asked why she was not included in the three (3) Council members he named that were not involved. She stated that these questions need to be answered and she would like to see some kind of inquiry that would find the answers to those questions.

Ms. Ritchie stated she would support Ms. Eberle's motion because the entire situation is outrageous. She stated Mr. Hernandez was upset enough to come to a Council meeting and admonish Council for something that only involved a few Council members. She stated this is not the manner in which the Council functions. She stated Council members do not go around trying to make deals.

Mr. McKenzie stated it was a declaration made by Mr. Sumter, Ms. Eberle and himself that they want to know who was involved since they have declared there were not involved. He stated he would like to definitely make sure Mr. Hernandez indicates he was not involved. Ms. Eberle agreed. Mr. Sumter stated since he does not know Mr. Hernandez, he could not be involved.

Mr. Vassanella asked for clarification of his understanding that the matter involves an election where a candidate who was upset because someone supported him and not his running mates. Mr. Rainone replied that Mr. Hernandez indicated in a conversation with him that he was approached by someone who stated that if he distanced himself from his running mates, they would support him.

Deputy Mayor Ashley-Williams stated that she finds it serious when someone points fingers at individuals and then they do not explain in detail who was involved. She stated she would like the Township Manager to send a letter to the Prosecutor's Office asking to have this matter fully investigating. She stated that either Mr. Hernandez is lying or there are two (2) Council members involved in this matter. She stated that Council members do not any business as elected officials to make deals of that nature.

Ms. Eberle supported Deputy Mayor Ashley-Williams' motion because she could not believe that she was included in something that she had no idea even happened. She stated that she definitely had never spoken to him. She stated that she did not appreciate anyone casting dispersions on her character, personality or honesty.

Ms. Danile stated that this was not a joking matter and noted that Mr. Hernandez was not laughing when he came to the podium. She clarified that this Council is separate and

distinct from the Board of Education. Council does not have any powers over the Board of Education. She stated to make this matter insignificant is absolutely outrageous.

Ms. Ritchie stated that she did not appreciate being put into a category in which she did not belong. She expressed her thought that there are several other Council members who perhaps expressed that same sentiment.

Mayor Levine stated he would like to know what is happening, but only because he feels this is a non-issue. He reviewed the matter and stated some examples of what people say to him when he is a candidate running for office. He stated that he feels it is a joking matter because he does not see an issue here. He stated that when Council starts playing with fire, like ethics, it could mean people could get burned. He stated that he feels there is nothing to pursue, especially since Mr. Hernandez does not want to pursue it.

Mr. Vassanella asked if there is something he is not understanding. He asked if something was illegal and unethical about supporting one candidate and not the others when there is a slate of candidates and if some of them have certain policies, views and platforms on certain items and if someone has some are completely different. Mr. Rainone replied no. Mr. Vassanella continued to ask what was illegal and unethical about this matter brought to their attention by Mr. Hernandez.

Mr. Rainone reiterated his conversation with Mr. Hernandez. He stated that Mr. Hernandez felt it was inappropriate for a Council person to try and influence him in terms of who he supported or who he did not support. He saw it as bringing partisan politics into a school board election. He stated that he did not meet with Mr. Hernandez.

Mr. Vassanella asked if Mr. Hernandez gave any insights to whether he thought it was appropriate for six to seven Council members to meet with six or seven civilians to participate in a discussion with the party chairman regarding reductions to the school budget and completely disregarding public interest. Ms. Eberle asked why Mr. Hernandez would get into a hypothetical matter separate from his issue. Ms. Ritchie stated that this has nothing to do with the issue being discussed. Mayor Levine asked if there were any other discussions and Mr. Rainone replied no.

Deputy Mayor Ashley-Williams stated it would be irresponsible not for Council to discuss possible cuts to the school budget with the Board of Education. She stated that they are one town and they should work together. She asked if it was ironic that Mr. Hernandez stated there were two Council members making these statements and there are two Council members who are totally against it.

Deputy Mayor Ashley-Williams made a motion requesting the Township Manager to send a letter to the County Prosecutor to investigate this matter completely. Said motion was seconded by Ms. Ritchie.

Mr. Vassanella made a motion to amend the motion to include that the letter request reviewing the whole process of how Council members caucus and discuss with only certain members of the public in closed session for meetings possibly should be made public and noticed and perhaps review the whole process. He also wanted included discussions regarding budgets and the possible campaigning for certain school board members by Council members. Said motion to amend the motion was seconded by Mayor Levine.

Ms. Eberle and Deputy Mayor Ashley-Williams did not accept the amendment to the motion. Deputy Mayor Ashley-Williams stated that is not the purpose of the original motion and the amendment should be a separate motion.

Mr. Vassanella asked if the idea of someone supporting a candidate and not his running mates is more important than the behind-the-scenes secret behavior of Council members. He stated that he finds that to be absurd, ridiculous and quite political in nature.

Ms. Eberle stated she would like to know what Mr. Vassanella is talking about. She stated that the discussion is about a person who has accused Council members of doing an act that is not in consistence with their character and purpose.

Ms. Danile stated that it was obvious that Councilman Vassanella is trying to redirect and divert attention from himself. She stated that she would like to remind the Mayor about his comments in the past regarding fact versus appearance. She stated the purpose of this governmental body is to be objective and to serve its constituents. This is about public service. She stated that if Council doesn't have the best interests of its constituents at heart, then we all should go home. She stated that it is not their job to go around trying to make deals and trying to manipulate the outcome of other elections, especially school elections. She stated that one can do whatever they want to do with their campaign as long as it is within the law. They are unethical things that are done in political campaigns and it is not part of what Council members should be doing. There are a lot of things that one cannot do as a Council member that one can do as a regular citizen. This is not one of them.

Mayor Levine called the question.

Mr. Vassanella stated for clarification of the reference of a hypothetical situation that he sat in as a civilian at a caucus where six or seven Council members would select members of the public, decided on how much they would reduce the school budget without looking bad to the public. He stated that was in a private meeting, not open to the public. He asked how that is not more important than someone suggesting they like the views of one candidate and not the others. We can call for the vote.

Deputy Mayor Ashley-Williams called the question.

The motion to amend the motion failed as follows:

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

Mayor Levine announced that the motion to amend the original motion failed. Now, we are back to sending a letter to the Prosecutor's Office for an investigation of the Hernandez matter. He stated that he does not have any problem with Council looking at matters and ethics should be of the highest priority. He stated that sending something to the Prosecutor's Office is a very high level thing to do. He stated that he was not sure if the matter rises to that level.

Mr. Vassanella asked the Township Attorney for his opinion as to if he finds this to be an illegal act. Mr. Rainone stated that he can only tell Council what was told to him by Mr. Hernandez. He stated that there is a local ethics law. He stated that the Prosecutor's Office chooses what it investigates and what it doesn't investigate. He stated that he could not think of a crime that has been committed in this matter. He stated that the Prosecutor's Office has a broad authority as to investigations. He stated that he doesn't necessarily think this matter needs to be investigated by the Prosecutor's Office.

Mr. Vassanella asked the Township Attorney if any Council member or member of the public could send a letter to the Prosecutor's Office asking for an investigation of any matter. Mr. Rainone replied it is every citizen's right.

Ms. Danile asked if a Council member threatens another Council member, that could be a matter for the Prosecutor's Office to investigate. Mr. Rainone replied anyone can ask the Prosecutor to investigate anything.

The original motion made by Deputy Mayor Ashley-Williams and seconded by Ms. Ritchie 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	Levine		Regan
Eberle	McKenzie	Vassanella		
Ritchie	Sumter			

#### APPROVAL OF MINUTES

Deputy Mayor Ashley-Williams asked that all comments made by Council members at the May 23, 2006 meeting regarding ethical accusations made by former Board of Education member Jay Hernandez be reflected in the minutes. Deputy Mayor Ashley-Williams moved to table approval of the Work Session/Regular Meeting and Executive Session Minutes of May 23, 2006. Said motion was seconded by Ms. Danile and carried unanimously upon call of the roll.

#### APPROVAL OF WARRANTS

Mayor Levine presented the following warrants in the amount of \$4,065,200.99 for June 13, 2006 to the Township Council for payment:

1	Current	2,737,055.53
5	Water Operating	86,072.71
6	Water Capital	30,000.00
4	General Capital	494,407.15
15	Trust Others	1,600.00
12	Open Space Trust	35,072.10
2	Grant	35,227.47
3	Collector Trust	72,083.25
30	Payroll Agency	458,128.90
	Subtotal	3,949,647.11
25	Escrow Account	115,553.88
	Grand Total	4,065,200.99

Ms. Danile moved that warrants in the amount of \$4,065,200.00 for June 13, 2006 to be paid. Said motion was seconded by Ms. Ritchie and carried as follows upon call of the roll:

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

#### ORDINANCES – PUBLIC HEARING & FINAL CONSIDERATION

##### Ordinance No. 3608

Mayor Levine offered the following ordinance:

**BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF VARIOUS VEHICLES AND EQUIPMENT FOR THE WATER UTILITY OF THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$397,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$397,000 BONDS OR NOTES OF THE WATER UTILITY OF THE TOWNSHIP TO FINANCE 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.

John McConville, 5 Stone Leigh Way, expressed his concerns of the Township bonding and going over the debt limit. He asked what the debt limit was. Mr. Rainone replied 3%.

There being no further comments by the public, Ms. Ritchie moved to close the public hearing on the ordinance. Said motion was seconded by Mr. Vassanella 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. Sumter and carried as follows upon call of the roll:

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

**Ordinance No. 3609**

Mayor Levine offered the following ordinance:

**BOND ORDINANCE AMENDING AND SUPPLEMENTING BOND ORDINANCE NUMBER 3364 HERETOFORE FINALLY ADOPTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP ON FEBRUARY 11, 2003 ENTITLED, "BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF VARIOUS UTILITY VEHICLES, EQUIPMENT AND TOOLS AND THE ACQUISITION OF GIS UTILITY SOFTWARE TO IMPLEMENT GIS MAPPING SERVICES FOR THE WATER UTILITY OF THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$347,500 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$347,500 BONDS OR NOTES OF THE WATER UTILITY OF THE TOWNSHIP TO FINANCE THE COSTS THEREOF," AS AMENDED BY BOND ORDINANCE NUMBER 3519 FINALLY ADOPTED ON FEBRUARY 17, 2005, TO INCREASE THE APPROPRIATION THEREIN BY \$250,000 AND TO INCREASE THE AUTHORIZATION OF BONDS OR NOTES THEREIN BY \$250,000 TO FINANCE THE ADDITIONAL 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, Mr. Sumter moved to close the public hearing on the ordinance. Said motion was seconded by Ms. Ritchie 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. Sumter and carried as follows upon call of the roll:

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

**Ordinance No. 3612**

Mayor Levine offered the following ordinance:

**BOND ORDINANCE PROVIDING FOR THE CONSTRUCTION OF A STEEL GARAGE FOR THE WATER UTILITY OF THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$55,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$55,000 BONDS OR NOTES OF THE WATER UTILITY OF THE TOWNSHIP TO FINANCE 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. Ritchie 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. Sumter and carried as follows upon call of the roll:

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

**Ordinance No. 3613**

Mayor Levine offered the following ordinance:

**BOND ORDINANCE PROVIDING FOR THE UPGRADE OF THE WATER UTILITY'S MONITORING SYSTEMS WITHIN THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$100,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$100,000 BONDS OR NOTES OF THE WATER UTILITY OF THE TOWNSHIP TO FINANCE 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, Mr. Sumter moved to close the public hearing on the ordinance. Said motion was seconded by Ms. Eberle 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. Sumter and carried as follows upon call of the roll:

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

**Ordinance No. 3614**

Mayor Levine offered the following ordinance:

**BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS, BY AND IN THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$107,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$101,800 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, Mr. Sumter moved to close the public hearing on the ordinance. Said motion was seconded by Ms. Danile and carried unanimously upon call of the roll.

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

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

**Ordinance No. 3615**

Mayor Levine offered the following ordinance:

**AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 1, GENERAL PROVISIONS, ARTICLE II, GENERAL PENALTY, SUBSECTION 1-3, VIOLATIONS AND PENALTIES.**

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

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

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

There being no comments by the public, Mr. Sumter moved to close the public hearing on the ordinance. Said motion was seconded by Ms. Ritchie 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. 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			Regan
Eberle	Levine			
McKenzie	Ritchie			
Sumter	Vassanella			

**Ordinance No. 3616**

Mayor Levine offered the following ordinance:

**AN ORDINANCE TO ACQUIRE BY PURCHASE OR CONDEMNATION CERTAIN LANDS WITHIN THE TOWNSHIP OF FRANKLIN, SOMERSET COUNTY FOR PARKS AND CONSERVATION PURPOSES (BLOCK 508.02, LOT 4)**

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.

Frank Lake, 281 Cedar Grove Lane, spoke of why he did not want to go into farmland preservation and why he wants his property be used for open space.

Phillip Kramer, 429 Canal Road, asked where this property is located. Ms. Ritchie replied on the Westside of Weston Road on Cedar Grove Lane.

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

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

**Ordinance No. 3617**

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 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, AS AMENDED BY BOND ORDINANCE NUMBER 3601 FINALLY ADOPTED MARCH 28, 2006, TO AMEND THE DESCRIPTION THEREOF**

Ms. Ritchie moved to table Ordinance No. 3617 indefinitely as per the recommendation of Bond Counsel. Said motion was seconded by Ms. Danile and carried as follows upon call of the roll:

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

**PUBLIC DISCUSSION**

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

Shiela Phillips Murf, 4 Debra Drive, expressed her disappointment of the Engineering Department and how they enforce regulations in reference to maintenance in our community. Specifically, detention basins in the Somerset Park, Somerset Glenn and Hampton Ridge areas. She stated that she came before Council a year ago about this and the detention basins are still not being maintained. She stated that a detention basin on Julie Court is still flooded with water. She expressed her concerns of the speeding of cars in that area, especially on Westminster Drive. She also expressed her concerns regarding burglaries that occurred on Julie Court. She asked Council for assistance on these matters.

John McConville, 5 Stone Leigh Way, asked Council to keep in mind that before any assessments are frozen, everything should be up to market value. He stated that Canal walk is a

long way away from market value so they should not be looking to get assessments frozen yet. He stated there is almost a three year time between when a house is opened and the Tax Assessor catches up to what is going on. He stated there is a big gap between some of those houses and true market value.

Mr. McConville stated that he has been attending Council meetings for a few years and he has seen people come here and get angry. He stated that he has been angry himself once or twice. He stated that twice people have come up here to say something about Council members – one was Mr. Hernandez and the second was Mr. Danielson. He stated that he does not understand all the nonsense about the Hernandez matter. He stated that Council should have been up in arms when there was a Council person who was making deals with no checks and balances. He stated that Council should get excited about matters that are important and forget the politics.

Frank Resta, 323 Cedar Grove Lane, stated that his family has operated a service station at 1873 Amwell Road for the past sixty years. He stated that the continuous classification of their property as a non-conforming use places them in a precarious position in the event of a total destruction of the property or whenever it is necessary to make application for any type of development of the property. He asked Council to consider changing the zone of their property from residential to what is compatible to their business operation. He also invited everyone to the 60<sup>th</sup> anniversary celebration to be held on Saturday.

Janet Parker, 100 Phillips Road, spoke in regard of Mr. Hernandez's comments and stated that it does not appear good. She stated that as angry as he was if something did not happen, he should not have made such accusations. She applauded the Council members who are seeking an investigation of the matter.

Ms. Parker asked for assistance from Council is getting her cricket team a pitch. She stated that when she applied for a permit, she was told a permit was already given out to someone else who was not even a Township resident. She explained that she has been going back and forth with the Recreation Director and feels she needs assistance from Council.

Harold Leventhal, 360 DeMott Lane, referred to statements made by Ms. Danile about bad rumors floating around town. He agreed with her. He also referred to Ms. Ritchie's comments about Mr. Danielson's radio comments regarding no needs for senior affordable housing. Mr. Leventhal stated that there is a need for affordable housing, especially for senior citizens.

Elizabeth Laraca, 145 Gregory Lane, asked Council to consider moving the public discussion portion earlier in the meeting so that it is more convenient for the citizens. She spoke of an incident when she went to look for a vending machine, she asked a group who was meeting in another room where one was and they were unhelpful. She was then approached by a Police Officer questioning her about going back to the Council meeting. She stated that the Police Office did not address the matter properly. She asked if the public was allowed to use the vending machine. Ms. Ritchie replied no and noted the door is usually locked. Mr. Laraca stated there was a kind group meeting in there and invited her in when they saw she was upset.

Chip Hoever, 68 Veronica Avenue, Somerset Management Group, in response to Ms. Ritchie's comments, admitted there were some problems and they have all been resolved. He noted that when there is an urgent need to get something printed right away, they have always been receptive and don't charge extra for it. He stated that if there were issues with the printing of business cards, they were never relayed to Purchasing. He stated that there was a technical glitch in the first set of bid specifications and it was bid again. Both times Somerset Management was the majority low bidder. He asked if it was going out to bid a third time. It was replied yes.

Mr. Hoever spoke in reference to ethics stating that people will sit here and state something in public, deny it in public and then put out an e-mail that they said it. He stated

that one has to question when someone puts their signs on a property during a campaign and leaves them there for a long time and then claims they know nothing about it and stated that someone else must have put the signs there and in that campaign he gets the money through the party who's property the sign was on. He stated that these are the things that have to be questionable. He spoke of Elec reports and the lack of reporting campaign monies. He stated that he hasn't been attending meetings lately, but has been around town and has heard that many people are not happy with some of the decisions made by Council.

Kathleen Kelly, 65 Wilson Road, thanked Council for the turn prohibitions going onto Amwell and Treptow to help minimize the traffic not only on Wilson Road but on McGuffy, French and Charles Roads.

Shannon Phillips, 73 French Street, thanked Council for the turn prohibitions going onto Amwell and Treptow to help minimize the traffic not only on Wilson Road but on McGuffy, French and Charles Roads. She noted that it will help reduce the speeding in that area.

Wayne Davis, formerly of 9 South Rosser Place and the father of Courtney and Miles Davis, the children who passed away at the Staybridge Suites. He stated that he was here because of the newspaper article that the follow-up discussions to the 9-1-1 process would be discussed here. He came to represent his children and to find out what the next steps are as a result of that discussion. He has listened to Council members say the Council is representing the people and they are always looking to focus on the safety matters and to keep the constituents best interests at heart. He would like to see where this is going so that no one else has to pay the price that his family has already paid for this. He thanked Council for their time.

Ms. Vieiro reported the Township Manager met with the Fire Chief's Association to discuss some of the procedures with 9-1-1 dispatch and Somerset County. They are working together with the Police Department and Fire Prevention to try to get better communications between dispatch, state police and our local dispatch. There is going to be a meeting in the next two weeks to put some processes into place. It was said that everyone needs to work together and there needs to be better communication Police and Fire as well as municipal and county officials. She stated that the Township is taking this very seriously and the Township Manager has put this on his high list of priorities and it will be moving forward quickly.

Mr. Davis asked if that is the case, is there any questioning going on to the fact of the system being put into place in the first place – the double-layer system from six years ago and the decision from going from whatever system was six years ago to this second layer of multiple cars. Ms. Vieiro replied that she believed he was speaking of the trunked radio system which is a separate issue. The Mayor noted with respect to the County. Ms. Vieiro stated that Mr. Daly recommended, initially, to the Fire Chiefs, was to bring it back to the township. The Fire Chiefs voted against that unanimously for whatever reason they had. She stated that the process is continuing and they are trying to resolve whatever issues there may or may not be. They are moving to a different mechanism to try to resolve whatever issues there may be or not.

Ms. Danile stated that Mr. Davis should know that it was the Fire Commissioner's decision in the first place to remove it from Franklin and send it to the County for fire calls. She stated that the Township tried to get it back but they are an independent commission that Council has no authority over. She stated that she would like to give Mr. Davis the memorandum from the Township Manager which puts it in more detailed information. Deputy Mayor Ashley-Williams suggested that he give the Assistant Township Manager his mailing address so that the Township can keep him informed.

Phillip Kramer, 429 Canal Road, representing TUF and noted he is a democratic committee member, but he is not representing the democratic party, referred to several weeks ago when he mentioned "Meet the Candidates" night at the Board of Education. He stated that when he did that, as an off-hand comment, he mentioned who was sitting with who. He stated that people have commented to him about that being unnecessary. After thinking about it, he agreed and he apologized for those comments. He stated getting back to the "Meet the

Candidates" Night, both Mr. Levine and Mr. Vassanella expressed interest in some kind of discussion between candidates that could be aired on FTTV. He stated that both Mr. Regan and Ms. Ashley-Williams that night gave input saying that this was something worth considering. He stated that is four out of nine Council members who have expressed some interest in this. He noted that only one more is needed to move this discussion further. He noted that the Township Attorney has mentioned that this may not be legal, therefore, he proposed a citizen's group be formed to come up with an agenda of how this might happen, report back to Council and send it the ELEC to examine the proposal and give an opinion from them as to whether it is legal or not.

Mr. Kramer referred to the ethics discussion and stated that is he to understand that if a citizen makes an allegation that something Council is doing that this Council feels it is not only important enough to have an ethics discussion on it, it should also be sent to the Prosecutor's Office. He expressed his hope that Council treats all allegations evenly, including Mr. Danielson's allegations, including any sunshine allegations that may come up and any other matter that comes up. He stated that he certainly hopes Council takes it to the same extreme that they have taken the Hernandez matter.

Mr. Lake spoke of a friend of his where he was sent a letter by the Township manger that he could not tie into the sewer line going down the main road because he owns about 100 acres. He stated that they went to the Sewerage Authority with the letter and was told that the Township Manager could not do that and that they decide what to do. He stated the other day his friend received an assessment bill that he did not know what it was for. He stated that someone needs to explain it to him. Ms. Danile asked where did the bill come from. He replied from the Township. Ms. Danile asked if it came from the Sewerage Authority of the Township. He replied he did not know. Ms. Danile stated that there should be a number on the bill that he could call.

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

### **COUNCIL COMMENTS**

Ms. Danile referred to Ms. Phillip's comments of traffic situations on Westminster Drive, so as a member of the Traffic Management Committee, she will bring that matter up and have it looked into. Ms. Vieiro will follow up with the Police Department on the reference to robberies.

Ms. Danile stated that Mr. McConville's statement regarding the freeze and what is happening at Canal Walk is unfair. She stated he is not knowledgeable about the situation and it doesn't really entitle him to say something that he does not have all the facts on and she apologized for that. She stated that what is happening at Canal Walk is that some of the properties are being overvalued and they are not under valued. She stated that unfortunately these people are suffering from an over-market situation in reference to many of their homes because they are being assessed for things that they don't actually have in their homes and that should not be happening. She stated that this is a situation that needs to be addressed specifically to Canal Walk or any other neighborhoods that are experiencing the same thing with reference to the assessments.

Ms. Danile thinks Council understands from time to time, members of the public will come up when they have a certain agenda. She stated that she is not referring to Mr. Hernandez, but to the fact that it is certainly within the purview of Council to monitor its own members. She stated that the public wouldn't want it any other way. She stated that when Council members feel that other Council members are behaving in an inappropriate fashion, it's unfair for the rest of the Council members to have to be subjected to a bad reputation because of the acts of Council members in particular. She stated that it is imperative that Council monitor their own.

Ms. Danile referred to Ms. Parker reference to a pitch for the cricket team. She suggested that at the upcoming tour for Parks and Recreation they look for another team for Ms. Parker's team. In reference to Mr. Hoever's comments, two wrongs don't make a right. She stated that when she received her first batch of business cards, they were fine. The second batch were incorrectly printed. She stated that it is a systemic problem and Ms. Ritchie is correct and we need to address it. In response to Mr. Davis, Ms. Danile expressed her condolences and noted that they will work hard to find the answers.

In response to Mr. Resta's comments, she stated the Planning Board has discussed this many times and the problem with changing the land-use designation of his property in a master plan was that the master plan deals generally with larger areas and not just one isolated lot. She stated that Council can adopt an ordinance that is not in agreement with the master plan, if it does so by a super majority of the Council and it puts its reasons on record. She suggested that Council look into an ordinance that would address his property.

Ms. Ritchie spoke directly to Mr. Kramer and his website and stated that his website has offended her to no end. She stated that he picks and chooses what to put on and that he distorts the facts. She stated that he gave a very misleading picture at best of what happened and in most instances, he is inaccurate. She stated that she has been accused of all the things that everyone has been getting up here tonight and insinuated. She stated that she has been investigated by the Prosecutor's Office, starting back in November. She asked if anyone has seen a report from them. She asked if anyone has seen any report from anyone that she has done anything wrong. She stated that the answer is no. She directed everyone who has access to the Internet to go to a website called BlueJersey.com and read what was written on there today and it will tell them and the public the facts of what has been going on. She stated that this has been a smear campaign and a slander campaign against her from day one. She restated that she did not put any signs on Jack Morris' property. She does not know how they got there. She stated that as soon as she found out about it, she had them taken down. She stated that she did not take any money from Jack Morris. She stated that she did not act in any other way than an ethical way, looking out for the best of this entire Township when she made her decisions and her votes on that Housing Element and Fair Share Plan. She stated for him to continue to get up here and continue these accusations against her is outrageous. She asked him to stop.

Ms. Eberle spoke on the Welcome Home ceremony held at the Somerset Armory. She stated that it was an inspiring experience. She stated that they had an attitude of optimism about their work and they had a lot of words for their spouses, calling them their center of influence. It was a wonderful afternoon. She suggested that we all think of these people who were there and realize the dedication and the love that these men have for their country.

Ms. Eberle stated that one thing she was taught by her parents is never to allow a few accusations towards you, to stand without answering them right away. This way you will feel that you have defended your honor. In connection with Mr. Hernandez, she felt that her parents were right and they she has to defend her honor. This is one of the reasons why she wanted an investigation to go forward. She stated that when people accuse you of things, try to get to the bottom of it and try for the truth and the light to come out.

Mr. McKenzie stated that everything that has been said tonight is important. It is important who said it and why it was said. What may not mean all that much to you or someone else there, means a lot for the person who said it. These issues need to be followed up on, the one dealing with the woman and the police officer. I would like to make sure there is a follow up on that to see exactly what happened and see if everything was in order or what the problem was with that. In reference to the situations dealing with the area over on Westminster Drive – speeding and break-ins – the Police need to follow up to see what is going on. In reference with the affordable housing rumors and misinformation, the information reported this evening that there are waiting lists is accurate. He stated that he would attempt to contact Mr. Hernandez to see if he could issue a letter to relieve those not involved of any wrongdoing.

Mr. Vassanella reviewed how the Wilson Road problems were resolved through the Public Safety Committee by finding a compromise that addressed safety and resident concerns. He stated that they are looking at other areas of town where some restricting of turning could possibly alleviate the commuters who consistently speed and create dangerous situations on local, residential type roads. He stated that these are the types of things that he chooses to work on; focus his time on and use the Township resources and staff's time to do. He stated that he is trying to find results to better the quality of life of people in this Township.

Mr. Vassanella congratulated the Restas and other businesses who have been in town a long time. He stated that the Township needs to maintain quality in any service that we go out to bid for. He stated that it is good to use local businesses. He stated that he thinks that Council should hold them up to scrutiny and to quality work but think cost and local businesses when at all possible. He stated that he has great faith in the Township's Purchasing Agent and he does not question her decisions.

Mr. Vassanella stated that he was not going to comment or give dignity to what occurred tonight. He stated that he would leave it up to the citizens because he knows there are probably numerous concerns over the behavior of Council members. He questioned the double standard of consulting with the Township Attorney on a matter, listening to his opinion and find it not good enough and having it further investigated. He stated that they will all enjoy looking at many ethical concerns that have gone on in the past and perhaps in the future.

Deputy Mayor Ashley-Williams expressed her disturbance about the crime and traffic issues concerning Debra Drive, Somerset Park, Hampton Ridge and Somerset Glenn. She and Ms. Ritchie have driven through the area and realize there are serious concerns and they will be addressed. She congratulated the Restas on their celebration. She supported Ms. Ritchie's suggestion regarding an ordinance addressing their property. She agreed with Mr. McKenzie regarding Ms. Lavaca's situation that it be looked into and followed up on.

In reference to Mr. Hoever's statements, Deputy Mayor Ashley-Williams disagreed with him. She agreed that there were problems. She stated that she spoke about her problems with business cards with the Purchasing Agent, Township Clerk and Township Manager regarding the printing quality and the time it took to receive the cards.

Deputy Mayor Ashley-Williams gave her condolences to Mr. Davis and stated that the Township will do everything it can to make sure that this never happens again.

Deputy Mayor Ashley-Williams, in reference to the Hernandez matter, she found it interesting that Mr. Vassanella is one of the people who has not gone and stated that he was not the person involved, so therefore, she concluded that he was. She stated from his actions that explains why he feels it is so funny that there is a problem with being accused of something that they did not do and the fact that an elected official did find it necessary to use their power to make such a threat. She stated that she believes it should go to the Prosecutor's Office.

Deputy Mayor Ashley-Williams asked if anyone has heard from Councilman Regan. She noted that he is absent again. She expressed her concerns because he took a leave of absence which has ended and he is still absent. She stated that there may be a concern or problem that he is having and maybe they should give him a call to find out because from January to March he only attended three out of nine meetings. She stated that he has missed meetings after his leave of absence ended. She stated that Council will be addressing absences of other board members after they receive the next attendance reports. She stated that they do have a stack of applications of individuals who are willing to work.

Mr. McKenzie stated he has noticed that some of the ordinances regarding boards have attendance regulations associated with them. He asked if all of the board ordinances have the same attendance requirements or absentee policies associated with them. Mr. Rainone replied no. He asked if they can look into doing that for all boards and commissions.

Mayor Levine stated that public safety is the utmost important issue in town. In regarding sending the Hernandez matter to the Prosecutor's Office, Council may be opening a Pandora's box as far as the ethics issues goes. He stated that is fine and it will be good if everything comes out clean.

### INTRODUCTION OF ORDINANCES

#### Ordinance No. 3619

Mayor Levine presented 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, AS AMENDED BY BOND ORDINANCE NUMBER 3601 FINALLY ADOPTED MARCH 28, 2006, TO INCREASE THE APPROPRIATION THEREIN BY \$16,500,000, TO INCREASE THE AUTHORIZATION OF BONDS OR NOTES THEREIN BY \$15,675,000 TO FINANCE PART OF THE ADDITIONAL COSTS THEREOF AND TO AMEND THE DESCRIPTION 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 June 29, 2006 at 9:00 a.m. at the Senior/Community Center.

Mr. McKenzie moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on June 29, 2006 at 9:00 a.m. at the Senior/Community Center. Said motion was seconded by Ms. Ritchie and carried as follows upon call of the roll:

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

#### Ordinance No. 3620

Mayor Levine presented the following ordinance:

**AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 226 - VEHICLES AND TRAFFIC, SECTION 226-20 – STOP INTERSECTION (LEUPP LANE; SECTION 226-28 – SPEED LIMITS (SCHOOLHOUSE ROAD BETWEEN RANDOLPH ROAD AND WESTON CANAL ROAD – 40 MPH) AND SECTION 226-30 – ON-STREET HANDICAPPED PARKING (166/168 JOHN F. KENNEDY BLVD.)**

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

and final adoption on June 29, 2006 at 9:00 a.m. at the Senior/Community Center.

Mr. McKenzie moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on June 29, 2006 at 9:00 a.m. at the Senior/Community Center. Said motion was seconded by Ms. Danile and carried as follows upon call of the roll:

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

**Ordinance No. 3621, As Amended**

Mayor Levine presented the following ordinance:

**AN ORDINANCE AMENDING CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, NEW JERSEY CHAPTER 226, VEHICLES AND TRAFFIC, SECTION 226-31C – REGULATIONS FOR THE MOVEMENT AND THE PARKING OF TRAFFIC ON ALL OTHER PRIVATE PROPERTY – ADDING SOMERSET GLENN.**

Mayor Levine stated that the foregoing ordinance, as amended, is presented to the Township Council for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on June 29, 2006 at 9:00 a.m. at the Senior/Community Center.

Mr. McKenzie moved the foregoing ordinance, as amended, for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on June 29, 2006 at 9:00 a.m. at the Senior/Community Center. Said motion was seconded by Ms. Ritchie and carried as follows upon call of the roll:

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

**Ordinance No. 3622**

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 112, LAND DEVELOPMENT - SECTION 112-42, D&R CANAL AREA REDEVELOPMENT PLAN**

Mayor Levine stated that the foregoing ordinance, as amended, is presented to the Township Council for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on August 8, 2006 at 7:00 p.m. at the Municipal Complex, Council Chambers.

Mr. McKenzie moved the foregoing ordinance, as amended, for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on August 8, 2006 at 7:00 p.m. at the Municipal Complex, Council Chambers. Said motion was seconded by Ms. Danile and carried as follows upon call of the roll:

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

**Ordinance No. 3623**

Mayor Levine presented the following ordinance:

**AN ORDINANCE AMENDING LEASES WITH THE MEADOWS FOUNDATION, INCORPORATED BY AMENDING TERM OF LEASE FROM TWENTY-FIVE (25) YEARS TO THIRTY (30) YEARS FOR THE HAGEMAN FARM; TULIPWOOD; VAN LIEW-SUYDAM HOUSE & WYCKOFF-GARRETSON HOUSE AND AMENDING TERM OF LEASE FROM TWENTY (20) YEARS TO THIRTY YEARS FOR THE VAN WICKLE HOUSE.**

Mayor Levine stated that the foregoing ordinance, as amended, is presented to the Township Council for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on June 29, 2006 at 9:00 a.m. at the Senior/Community Center.

Mr. McKenzie moved the foregoing ordinance, as amended, for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on June 29, 2006 at 9:00 a.m. at the Senior/Community Center. Said motion was seconded by Ms. Ritchie and carried as follows upon call of the roll:

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

**CONSENT AGENDA ITEMS**

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

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

**Resolution #06-226** Authorize Tax Title Lien Redemption – Outside Buyers.

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

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

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

**Date of Sale:** June 10, 2003  
**Block/Lot:** 228/1.01  
**Name & Address:** Atkinson, Arthur  
605 Beach 25<sup>th</sup> Street  
Far Rockaway, NY  
(For 113 Martin Street)  
**Amount:** \$8,380.61  
**Make Check Payable To:** Wachovia-Custodian/SASS Muni V Drt  
123 South Broad St., PA1328S  
Tax Lien Services Group  
Philadelphia, PA 19109  
**Certificate No.:** 03-143  
**Payment Received:** May 19, 2006

**Date of Sale:** June 7, 2001  
**Block/Lot:** 372/35  
**Name & Address:** Aanonsen, Alan  
11 Maynard Road  
Somerset, NJ 08873  
**Amount:** \$62,390.98  
**Make Check Payable To:** American Tax Funding  
PO Box 862658  
Orlando, FL 32886-2658  
**Certificate No.:** 01-12  
**Payment Received:** May 31, 2006

**Date of Sale:** June 10, 2003  
**Block/Lot:** 34.08/54.01 C4210  
**Name & Address:** Phillips, Andrea  
235 Rachel Court  
Franklin Park, NJ 08823  
**Amount:** \$1,311.66  
**Make Check Payable To:** Yi Ma  
251 Woodside Lane  
Bridgewater, NJ 08807  
**Certificate No.:** 03-037  
**Payment Received:** June 1, 2006

**Resolution #06-227** Authorize Refund of Tax Overpayments.

WHEREAS, there appears on the books of the Collector of Revenue, refunds due, resulting from Tax/Water 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
241.01/27	COUNTRYWIDE TAX SERVICE PO BOX 10211 VAN NUYS, CA 91410-0211	3/06 MORTG AGE COMPA NY PAID IN ERROR	2,774.87

269/29	BROWN, WILLIAM & FLORENCE 20 FRALEY DR SOMERSET, NJ 08873	4/05 VETERA N DEDUCT ION	250.00
287.01/48	BOOKER, VINCENT & DIANE 39 ARDEN ST SOMERSET, NJ 08873	2/06 MORTG AGE COMPA NY AND HOMEO WNER PAID	3,606.80
317/6	ROGER J. WEIL, ESQ 495 UNION AVE SUITE 2F MIDDLESEX, NJ 08846	3/06 BUYER AND OLD MORTG AGE COMPA NY PAID	1,446.01
507.02/14	WASHINGTON MUTUAL PO BOX 100573 FLORENCE, SC 29501-9921	2/06 3/06 HOMEO WNER AND MORTG AGE COMPA NY PAID	1,221.23 2,643.04

**Resolution #06-228** Authorize Tax Remittals.

WHEREAS, there appears on the books of the Collector of Revenue, taxes to be remitted, as a result of duplicate line item; and

<u>BLOCK/LOT</u>	<u>NAME/ADDRESS</u>	<u>QTR/YR</u>	<u>AMOUNT</u>
11.01/6.13	BARBIERI BROTHERS 22 BARBIERI COURT SOMERSET, NJ 08873	FY2005 DUPLIC ATE LINE ITEM 11.01/16.1 2	6,738.70

**Resolution #06-229** Authorize Release of Planning/Building Escrows.

WHEREAS, the Township of Franklin, Somerset County has received escrow monies for purposes of professional fees incurred for review of and/or testimony concerning an application for development in accordance with Section 112-214 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: Raritan Computer (Inspection Fees)

ADDRESS:	400 Cottontail Lane		
	Somerset, NJ 08873		
DOCKET NO.	PLN2004-0002		
BLOCK/LOT:	517.06/15.11		
LOCATION:	400 Cottontail Lane		
AMOUNT DEPOSITED:	\$7,244.40		
	<Schoor>		
AMOUNT CHARGED:	<u>\$5,535.00</u>		
AMOUNT TO BE REFUNDED:	\$1,709.40		
APPLICANT:	Bor-John, LLC		
ADDRESS:	31 Inverness Lane		
	Jackson, NJ 08527		
DOCKET NO.	PLN2004-0068		
BLOCK/LOT:	227/51-53		
LOCATION:	Lewis Street		
AMOUNT DEPOSITED:	\$5,300.00	\$2,500.00 <Heyer>	\$200.00 <In-Hse>
	<Schoor>		
AMOUNT CHARGED:	<u>\$3,832.50</u>	<u>\$1,472.50</u>	<u>80.00</u>
AMOUNT TO BE REFUNDED:	\$1,467.50	\$1,027.50	\$120.00
APPLICANT:	Franklin Industrial Partners		
ADDRESS:	33 Cotters Lane		
	East Brunswick, NJ 08816		
DOCKET NO.	PLN2004-0062		
BLOCK/LOT:	517.04/2.13		
LOCATION:	850 Randolph Road		
AMOUNT DEPOSITED:	\$17,125.00 <CME>	\$3,125.00 <Heyer>	\$1,250.00 <In-Hse>
AMOUNT CHARGED:	<u>\$13,723.50</u>	<u>\$1,495.00</u>	<u>0.00</u>
AMOUNT TO BE REFUNDED:	\$ 3,401.50	\$1,630.00	\$1,250.00
3APPLICANT:	P&R Fasteners, Inc.		
ADDRESS:	325 Pierce Street		
	Somerset, NJ 08873		
DOCKET NO.	PLN2003-0059		
BLOCK/LOT:	517.06/17.03		
LOCATION:	325 Pierce Street		
AMOUNT DEPOSITED:	\$13,332.08		
	<Schoor>		
AMOUNT CHARGED:	<u>\$12,597.50</u>		
AMOUNT TO BE REFUNDED:	\$ 734.58		
APPLICANT:	Richardson Builders, LLC		
ADDRESS:	81 Walnut Avenue		
	Somerset, NJ 08873		
DOCKET NO.	PLN2004-0045		
BLOCK/LOT:	434/3-14		
LOCATION:	Willow Avenue & 13 <sup>th</sup> Street		
AMOUNT DEPOSITED:	\$1,300.00	\$1,500.00 <Heyer>	\$200.00 <In-Hse>
	<Schoor>		
AMOUNT CHARGED:	<u>\$ 455.00</u>	<u>\$ 877.50</u>	<u>120.00</u>
AMOUNT TO BE REFUNDED:	\$ 845.00	\$ 622.50	\$ 80.00
APPLICANT:	Ukrainian Orthodox Church		
ADDRESS:	PO Box 495		
	South Bound Brook, NJ 08880		

DOCKET NO. ZBA2004-0354  
 BLOCK/LOT: 469/1.06  
 LOCATION: 1950 Easton Avenue  
 AMOUNT DEPOSITED: \$8,125.00 <CME> \$3,125.00 <Heyer> \$1,250.00 <In-Hse>  
 AMOUNT CHARGED: \$6,733.25 \$2,010.00 200.00  
 AMOUNT TO BE REFUNDED: \$1,391.75 \$1,115.00 \$1,050.00

APPLICANT: Weston Canal Associates  
 ADDRESS: 30 Technology Drive  
 Warren, PA 07059

DOCKET NO. PLN2003-0056  
 BLOCK/LOT: 517.03/3.32  
 LOCATION: 100 Randolph Road  
 AMOUNT DEPOSITED: \$1,600.00 <Heyer> \$2,400.00 <In-Hse>  
 AMOUNT CHARGED: \$1,011.40 490.00  
 AMOUNT TO BE REFUNDED: \$ 588.60 \$1,910.00

APPLICANT: Hiering, Dupignac, Stanzione & Dunn, PC  
 ADDRESS: 64 Washington Street – CN2015  
 Toms River, NJ 08754-2015

DOCKET NO. ZBA2004-1360  
 BLOCK/LOT: 85/62  
 LOCATION: 18 Skillman Lane  
 AMOUNT DEPOSITED: \$2,800.00 <CME> \$2,500.00 \$200.00 <In-Hse>  
 <Russell>  
 AMOUNT CHARGED: \$2,103.00 \$1,842.50 25.00  
 AMOUNT TO BE REFUNDED: \$ 697.00 \$ 657.50 \$175.00

APPLICANT: New Cingular Wireless PCS, LLC  
 ADDRESS: Judith Babinski, Esq.  
 Pitney Harding LLP  
 PO Box 1945, Morristown, NJ 07962

DOCKET NO. ZBA2005-0317  
 BLOCK/LOT: 386.17/137  
 LOCATION: 1100 Easton Avenue  
 AMOUNT DEPOSITED: \$4,875.00 <CME> \$1,875.00 \$750.00 <In-Hse>  
 <Russell>  
 AMOUNT CHARGED: \$ 847.00 \$ 935.00 0.00  
 AMOUNT TO BE REFUNDED: \$4,028.00 \$ 940.00 \$750.00

APPLICANT: Canal Walk Associates, LLC  
 ADDRESS: 112 Schoolhouse Road  
 Somerset, NJ 08873

DOCKET NO. PLN2001-0015  
 BLOCK/LOT: 513.01/15.01  
 LOCATION:  
 AMOUNT DEPOSITED: \$10,000.00 <In-Hse>  
 AMOUNT CHARGED: 600.00  
 AMOUNT TO BE REFUNDED: \$ 9,400.00

APPLICANT: Canal Walk Associates, LLC  
 ADDRESS: 112 Schoolhouse Road  
 Somerset, NJ 08873

DOCKET NO. PLN2005-0021  
 BLOCK/LOT: 513.01/15.01

LOCATION: Republic ROW & Constitution Way  
 AMOUNT DEPOSITED: \$7,500.00 <In- \$2,500.00 <Heyer>  
 Hse>  
 AMOUNT CHARGED: 240.00 710.00  
 AMOUNT TO BE REFUNDED: \$7,260.00 \$1,790.00

APPLICANT: Canal Walk Associates, LLC  
 ADDRESS: 112 Schoolhouse Road  
 Somerset, NJ 08873  
 DOCKET NO. PLN2004-0053  
 BLOCK/LOT: 513.01/15.01  
 LOCATION: Constitution Way  
 AMOUNT DEPOSITED: \$4,500.00 <In- \$1,500.00 <Heyer>  
 Hse>  
 AMOUNT CHARGED: 400.00 935.00  
 AMOUNT TO BE REFUNDED: \$4,100.00 \$ 565.00

APPLICANT: Canal Walk Associates, LLC  
 ADDRESS: 112 Schoolhouse Road  
 Somerset, NJ 08873  
 DOCKET NO. PLN2003-0035  
 BLOCK/LOT: 513.01/15.01  
 LOCATION: Constitution Way  
 AMOUNT DEPOSITED: \$8,000.00 <In- \$4,000.00 <Heyer>  
 Hse>  
 AMOUNT CHARGED: 320.00 2,690.00  
 AMOUNT TO BE REFUNDED: \$7,680.00 \$1,310.00

APPLICANT: The Palace at Somerset Park  
 ADDRESS: 167 Main Street  
 Flemington, NJ 08822  
 DOCKET NO. PLN2002-0075  
 BLOCK/LOT: 502/53.01 & 5  
 LOCATION: Davidson Avenue  
 AMOUNT DEPOSITED: \$76,335.82 <CME>  
 AMOUNT CHARGED: 61,812.75  
 AMOUNT TO BE REFUNDED: \$14,523.07

**Resolution #06-230** Authorize Release of Winter Bond – Kamal Elnajjar (Ayoubi) – Docket #05-885 – 4399 Route 27 - \$500.00 – Installation of ditch under driveway.

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

ITEM: Winter Bond  
 NAME OF APPLICANT: Kamal Elnajjar  
 ADDRESS OF APPLICANT: 18 Jill Court, Edison, NJ 08817  
 NUMBER: Ck# 210  
 INSURANCE CO./BANK: N/A  
 IN THE AMOUNT OF: \$500.00  
 FOR: Installation of Ditch Under Driveway – 4399 Route 27

**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 \$500.00 be released to the above named applicant.

**Resolution #06-231** Authorize Issuance of Raffle/Bingo Licenses.

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

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

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

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

<b><u>NAME OF ORGANIZATION</u></b>	<b><u>DATE OF RAFFLE/BINGO</u></b>
St. Sharbel Maronite Church	June 23, 2006 12:00 pm – 10:00 pm
526 Easton Avenue, Somerset, NJ	June 24, 2006 12:00 pm – 11:00 pm
Non-Draw Raffles – RL#1565	June 25, 2006 12:00 pm – 10:00 pm

**Resolution #06-232** Authorize Issuance of Special Event Permit – St. Sharbel Maronite Church Festival – June 23-25, 2006.

**WHEREAS**, a request has been received from St. Sharbel Maronite Church for permission to have a Church Festival on June 23<sup>rd</sup> from 12 noon to 12 pm; June 24<sup>th</sup> from 11 am to 12 pm and June 25<sup>th</sup> from 12 noon to 10 pm, 2006 at St. Sharbel Maronite Church, to be conducted on Church Grounds; and,

**WHEREAS**, St. Sharbel Maronite Church has requested that the Permit Fee of \$125.00 be waived since they represent a non-profit organization; and,

**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 St. Sharbel Maronite Church to conduct a Church Festival on June 23, <sup>24</sup> and 25, 2006, to be conducted at St. Sharbel Maronite Church grounds, 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 the conduct of this special event requires the closing of Reeves Street, a public roadway of the Township of Franklin, and said closing is subject to the following conditions:

- (1) Said public roadway shall be closed to traffic between the hours when the Event commences and the time the event will be totally finished;
- (2) The closing of said public roadway in conjunction with said Event shall be accomplished in a manner whereby access by emergency vehicles is easily maintained at all times;
- (3) The Applicant shall notify all persons and businesses affected by said road closing. Said notice shall be in writing and served upon the person/business in person or by certified mail at least ten (10) days prior to the event. Affidavit of Service to said

affected persons/businesses shall be prepared by the Applicant and filed with the Township Clerk at least five (5) days prior to the event;

- (4) Applicant shall provide an Insurance Policy to cover the Event and the closing of the aforesaid public roadway in conjunction therewith 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;

**BE IT FURTHER RESOLVED** that the Applicant shall be responsible for providing a sufficient number of off-duty Police Officers to the satisfaction of the Chief of Police during the conduct of this event and;

- (1) Applicant shall deposit with the Township Finance Director, at least five (5) days prior to the event, an escrow amount sufficient to cover the cost of said off-duty police protection in accordance with the fee schedule set forth in Ordinance #1417;
- (2) Payment to said off-duty police officer for services provided shall be made by the Finance Department from said escrow deposit. Should escrow funds be found insufficient, the Applicant shall deposit additional funds with the Finance Department to cover the remaining cost of off-duty police protection;
- (3) Any unused monies deposited for off-duty police protection shall be returned by the Township Clerk to the person or organization making the deposit upon approval of the Chief of Police.

**BE IT FURTHER RESOLVED** that in accordance with Section 325-12 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.

**Resolution #06-233** Authorize Issuance of Special Event Permit – Resta’s Car Care & Rental 60<sup>th</sup> Anniversary – 1873 Amwell Road – June 17, 2006.

**WHEREAS**, a request has been received from Resta’s Car Care & Rental for permission to have a 60<sup>th</sup> Anniversary Celebration on June 17<sup>th</sup> at 12 noon to be conducted at 1873 Amwell Road, Somerset, NJ; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin, County of Somerset, New Jersey, that permission is hereby granted Resta’s Car Care & Rental for permission to have a 60<sup>th</sup> Anniversary Celebration on June 17<sup>th</sup> at 12 noon to be conducted at 1873 Amwell Road, Somerset, NJ , subject to compliance with the requirements of Township Officials, including but not limited to the Chief of Police and Director of Fire Prevention.

**Resolution #06-235** Approve Temporary License for Ingress & Egress and to Use and Occupy – Princeton University Conduct Ecological Research on wild bees on Township Open Space.

**BE IT RESOLVED** by the Township Council of the Township of Franklin, County of Somerset, State of New Jersey that the Mayor and Township Clerk are hereby authorized to execute a temporary license for ingress and egress and to use and occupy with Dr. Yael Mandelik, Princeton University, Department of Ecology & Evolutionary Biology for the purpose of conducted research and more specifically field work on bees in the Negri Nepote Native Grasslands Preserve and the Open Space Parcels along Suydam and Butler Roads.

**Resolution #06-236** Authorize Discharge of Affordable Housing Agreement & Second Repayment Discharges – Brenda Jackson from Saad/George – 111 Crabapple Lane, Franklin Park.

**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 agreement and Discharge of Second Repayment Mortgage for the premises known as 111 Crabapple Lane, Franklin Park, Block 34.03, Lot 16.01 C0316 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.

**Resolution #06-237** Authorize NJDOT Municipal Aid Grant Application – Grouser Road in the amount of \$150,000.00.

**BE IT RESOLVED** that application is hereby made to the Commissioner of Transportation for an allotment of aid for the improvement of: **Grouser Road** from Van Cleef Road to Canal Road in the Municipality of Franklin Township, Somerset County, State of New Jersey for a distance of **1.33** miles or such portion thereof as may be approved by the Commissioner of Transportation. The total cost estimate for this improvement is **\$210,000.00**. The Sponsor requests **\$150,000.00** in State Funds and anticipated contributing **\$60,000.00**.

**AND BE IT RESOLVED** that any aid received as a result of this application will only be used for eligible costs for the project.

Type of Improvement: *Resurfacing*

Scope of Work: *Grouser Road will be resurfaced with a 2" bituminous concrete overlay. There will also be milling and leveling course as needed for profiling.*

**Total Estimated Cost of Improvement**

Construction Cost	\$195,950.00
Design Engineering	
Right-of-Way	
Construction Inspection & Material Testing is Requesting	\$ 14,050.00
Total Estimated Cost	\$210,000.00

**Project Information**

Is utility work planned within the project limits over the next five (5) years?	No
Is the purchase of right-of-way required before the start of the project construction?	No
Does the project intersect a State Highway?	No
Is there a railroad crossing within the project limits?	No
Is there a railroad crossing 100 feet outside of the project limits?	No
Will the construction impact traffic across a railroad crossing outside the project limits?	No

**AND BE IT FURTHER RESOLVED** that if this application is approved and accepted by the New Jersey Department of Transportation ("the Department"), the Sponsor agrees that:

- a. It shall arrange for financing of the total cost of the project provided for in this Agreement.

- b. It recognizes and agrees that continuation of funding under this Agreement is expressly dependent upon the availability to the Department of Funds appropriated by the State Legislature from State revenues or such other funding sources as may be applicable. The Department shall not be held liable for any breach of this Agreement because of the absence of available appropriation.
- c. In the event that the Department approves funds in an amount less than requested, the Sponsor, at its option, 1) may either rescind this Agreement or 2) continue with the project and assume the entire difference between the total cost of the project and the allotment of State funds or 3) reevaluate the project limits or scope and submit a letter of justification to the Department for approval. In the event the Sponsor rescinds the Agreement, the allotted funds shall revert to the source of the funding.
- d. The Sponsor must notify the Department of its rescission of this Agreement within thirty (30) days of this expiration of the agreement or subsequent extensions. Not meeting this requirement will result in future grants being provided on a reimbursement basis until such time as the municipality demonstrates satisfactory performance in awarding construction contracts. This does not apply to the County Aid Program.
- e. Any purported transfer or assignment of the written obligations of the Sponsor contained herein without prior approval of the Department shall be void.
- f. New Jersey Office of Management and Budget, Circular Letter 05-12, Grant Agreements – Agency Contracts and any supplemental compliance statements by the Department, must be complied with by the Sponsor.
- g. The work to be performed by the Sponsor under this Agreement shall include but not be limited to the following:
  - 0. Preparation of contract drawings and supplementary specifications.
  - 1. The acquisition of all necessary right-of-way, easements, slope rights and permits.
  - 2. Construction of the above referenced improvement.
  - 3. Monitoring and supervising compliance with all provisions of this Agreement.
- h. It shall defend, indemnify, protect and save harmless the State and its officers, agents, servants, and employees from and against any and all suits, claims, demands or damages of whatsoever kind and nature arising out of, or claimed to arise out of, any act, error or omission of the Sponsor, its consultants, contractors, agents, servants and employees in the performance of the work of the project including, but not limited to, expenditures for and costs of investigations, hiring of expert witnesses, court cost, counsel fees, settlements, and judgments.
- i. It shall engage a Professional Engineer, registered in the State of New Jersey, for design services on the project. In its agreement for professional services, the Sponsor shall require the provision of professional liability insurance or errors and omissions insurance sufficient to protect against liabilities arising out of the professional obligations performed pursuant to the agreements.
- j. In its agreements or professional and non-professional services, the Sponsor shall require the provisions of public liability insurance and every such policy shall include the Sponsor and State as additional named insureds.
- k. All design work shall conform to the applicable American Association of State Highway and Transportation Officials (AASHTO) design criteria and the

Department's Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines. The design of traffic barriers and drainage systems shall conform to the Department's Roadway Design Manual. No deviation shall be allowed without the knowledge of the Department. If there is deviation from those standards, the Sponsor shall accept any and all responsibility for any injury or damage by such deviation to any person or property and shall indemnify the State as outlined in this Agreement. All design shall also conform to the current "Manual on Uniform Traffic Control Devices" published by Federal Highway Administration. Design Exception reports will be prepared for all controlling substandard design elements in accordance with the Department's Design Exception Manual. Design Exception reports shall be certified by a New Jersey licensed professional planner.

- l. It shall provide map, reports, detailed plans, supplementary specification and contract documents required by the Department.
- m. All workmanship and materials shall conform to current "New Jersey Department of Transportation Standard Specifications for Road and Bridge Construction" as amended for State Aid.
- n. It is the responsible authority. Without recourse to the State, regarding the settlement and satisfaction of all contractual and administrative issues arising out of the procurement entered in support of this funding.
- o. Prior to advertising for bids, the Sponsor shall notify the Department if it intends to substantially change the scope of the project proposed in the Resolution, Application and Agreement. No substantial change shall be included in the project unless it has been approved by the Department.
- p. Any changes in work after the award of contract shall be documented with a Department approved change order.
- q. Fifteen (15) calendar days prior to advertisement, the Sponsor shall submit the following to the Division of Local Aid and Economic Development:
  0. One (1) copy of the contract plans, specifications, engineer's estimate, and engineer's design certification.
  1. Other documents as required.
- r. It shall advertise and award the contract in accordance with the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et. seq.
- s. It shall comply with all applicable Federal, State and Local laws, rules, ordinances and regulations.
- t. Within thirty (3) calendar days of construction bids, unless the Department grants an extension of this time, the Sponsor shall submit the following to the Division of Local Aid and Economic Development:
  0. Two (2) copies of the summary of construction bids.
  1. A resolution awarding the contract to the lowest responsible bidder submitting a responsive bid, subject to the approval of the Department.
- u. For municipal grants, the municipality shall award a construction contract for the grant project within eighteen (18) months of approval of this Resolution, Application, and Agreement by the Department. The Department in its sole discretion may provide one six (6) month extension after receiving an adopted resolution and justification from the Sponsor at least thirty (30) days prior to the

expiration of the grant agreement. The Department in its sole discretion may provide a second six (6) month extension, under extraordinary circumstances as defined by NJAC 16:20B1.3 after receiving an adopted resolution and justification from the Sponsor at least thirty (30) days prior to the expiration of the first six month extension. The Department may cancel the grant agreement if the Sponsor does not award the construction contract by the specified time or if an extension is not requested at least thirty (30) days prior to the expiration of the grant agreement or subsequent extensions; or if an extension of time is not granted.

- v. Cancellation of the grant agreement because a construction contract was not awarded within the time requirements or because an extension of time was not properly requested thirty (30) days prior to grant agreement expiration or subsequent extensions will result in future grant funds being provided on a reimbursement basis until such time as the Sponsor demonstrates it can award a construction contract within the specified timeframes.
- w. Sponsors may voluntarily cancel the grant agreement with written notice thirty (30) days prior to the expiration of the grant agreement or subsequent extensions. Voluntarily canceling the grant agreement with proper notification will result in no penalties on future grants.
- x. Upon prior approval of the Department, it may elect to undertake the work through the use of its own forces when it deemed applicable and appropriate.
- y. Neither design costs, the costs for acquisition of all necessary right-of-way, easements, slope rights, and permits nor utility costs shall be considered costs of the project for purposes of computation of the allotment of State Aid funds under this Agreement except in special cases approved by the Department.
- z. State participation in the cost of the project shall not exceed the lesser of either 100 percent of the cost of the completed construction work including eligible construction supervision, inspection and material testing, or the original allotment. State participation in inspection and material testing costs combined shall be limited to 15 percent of the eligible construction work cost. The State shall not participate in costs that the Department determines to be beyond the scope of the purposes of the allotment, excessive or otherwise unallowable. The Sponsor shall be afforded an opportunity to challenge this determination at an informal hearing.
- aa. At the discretion of the Commissioner of Transportation, payment of the allotted funds may be made to the project Sponsor in the form of a grant. Grant payments shall be made as follows:
  - 0. For programs administered by the Division of Local Aid and Economic Development, a specified percentage of the lesser of the eligible award amount or allotment amount shall be paid at the time of concurrence in the award of the contract by the Department or the full amount of the allotment shall be paid upon approval of this agreement as determined by the Commissioner. The remaining percentage or balance of funds shall be paid upon submission of a final voucher with supporting information as required by the Department. The final voucher must be submitted to the Department within six (6) months of project acceptance. The Department reserves the right to inspect the work associated with the grant as per N.J.A.C. 16:20B-3.2.
  - 1. For County Aid and the Local Bridge Bond Act, the full amount of the annual allotment shall be paid upon approval of the Annual Transportation Plan (ATP) and the execution of this Agreement unless the County has

demonstrated unsatisfactory performance, whereby funds will be provided similar to municipal grants.

2. If the Sponsor requests, progress payments shall be on a reimbursement basis. It shall request reimbursement from the Department by submitting vouchers supplied by the Department with supporting information as required by the Department. Progress payments of not less than \$50,000 may be made.
- bb. The Sponsor hereby certifies that all allotted funds shall only be spent on eligible costs for the approved project(s) as described in this Agreement.
  - cc. In the event allotted funds remain after completion of the work, the remaining funds shall revert to the source of the funding and shall be reallocated by the Department in a manner determined solely by the Commissioner of Transportation.
  - dd. In the event that the Department determines that it has reimbursed the Sponsor in an amount in excess of the funds actually due under this Agreement, the Sponsor shall, upon notice from the Department, make timely repayments to the State. Upon failure of the Sponsor to timely repay such funds, the State is hereby authorized by this Agreement to deduct those funds from any monies due the Sponsor under the terms of any agreement between the State, its Departments and Agencies and the Sponsor or to gain reimbursement through any other remedies available at law or equity.
  - ee. It shall provide cost certification and maintain financial records relating to all costs for the project in accordance with N.J.A.C. 16:20A or 16:20B, as applicable, and comply with State of New Jersey audit requirements specified therein.
  - ff. It shall maintain complete documentation of the project for a period of three (3) years after receiving final reimbursement or payment by the State.
  - gg. It shall maintain the completed project in a manner satisfactory to the Department.
  - hh. It will comply with Title VI of the 1964 Civil Rights Act.
  - ii. Failure to comply with all provisions contained in this Resolution, Application and Agreement may result in the suspension and/or termination of funding.
  - jj. Approval as to Form by Certification Process.

**AN BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to execute and attest this resolution, application and agreement.

**Resolution #06-238** Authorize NJDOT Municipal Aid Grant Application – Jacques Lane in the amount of \$150,000.00.

**BE IT RESOLVED** that application is hereby made to the Commissioner of Transportation for an allotment of aid for the improvement of: **Jacques Lane** from South Middlebush Road to Canal Road in the Municipality of Franklin Township, Somerset County, State of New Jersey for a distance of **1.31** miles or such portion thereof as may be approved by the Commissioner of Transportation. The total cost estimate for this improvement is **\$230,000.00**. The Sponsor requests **\$150,000.00** in State Funds and anticipated contributing **\$80,000.00**.

**AND BE IT RESOLVED** that any aid received as a result of this application will only be used for eligible costs for the project.

Type of Improvement: *Resurfacing*

Scope of Work: *Jacques Road will be resurfaced with a 2" bituminous concrete overlay. There will also be milling and leveling course as needed for profiling.*

Total Estimated Cost of Improvement

Construction Cost	\$217,700.00
Design Engineering	
Right-of-Way	
Construction Inspection & Material Testing is Requesting	\$ 12,300.00
Total Estimated Cost	\$230,000.00

Project Information

Is utility work planned within the project limits over the next five (5) years?	No
Is the purchase of right-of-way required before the start of the project construction?	No
Does the project intersect a State Highway?	No
Is there a railroad crossing within the project limits?	No
Is there a railroad crossing 100 feet outside of the project limits?	No
Will the construction impact traffic across a railroad crossing outside the project limits?	No

**AND BE IT FURTHER RESOLVED** that if this application is approved and accepted by the New Jersey Department of Transportation ("the Department"), the Sponsor agrees that:

- a. It shall arrange for financing of the total cost of the project provided for in this Agreement.
- b. It recognizes and agrees that continuation of funding under this Agreement is expressly dependent upon the availability to the Department of Funds appropriated by the State Legislature from State revenues or such other funding sources as may be applicable. The Department shall not be held liable for any breach of this Agreement because of the absence of available appropriation.
- c. In the event that the Department approves funds in an amount less than requested, the Sponsor, at its option, 1) may either rescind this Agreement or 2) continue with the project and assume the entire difference between the total cost of the project and the allotment of State funds or 3) reevaluate the project limits or scope and submit a letter of justification to the Department for approval. In the event the Sponsor rescinds the Agreement, the allotted funds shall revert to the source of the funding.
- d. The Sponsor must notify the Department of its rescission of this Agreement within thirty (30) days of this expiration of the agreement or subsequent extensions. Not meeting this requirement will result in future grants being provided on a reimbursement basis until such time as the municipality demonstrates satisfactory performance in awarding construction contracts. This does not apply to the County Aid Program.
- e. Any purported transfer or assignment of the written obligations of the Sponsor contained herein without prior approval of the Department shall be void.
- f. New Jersey Office of Management and Budget, Circular Letter 05-12, Grant Agreements – Agency Contracts and any supplemental compliance statements by the Department, must be complied with by the Sponsor.

- g. The work to be performed by the Sponsor under this Agreement shall include but not be limited to the following:
  - 0. Preparation of contract drawings and supplementary specifications.
    - 1. The acquisition of all necessary right-of-way, easements, slope rights and permits.
    - 2. Construction of the above referenced improvement.
    - 3. Monitoring and supervising compliance with all provisions of this Agreement.
- h. It shall defend, indemnify, protect and save harmless the State and its officers, agents, servants, and employees from and against any and all suits, claims, demands or damages of whatsoever kind and nature arising out of, or claimed to arise out of, any act, error or omission of the Sponsor, its consultants, contractors, agents, servants and employees in the performance of the work of the project including, but not limited to, expenditures for and costs of investigations, hiring of expert witnesses, court cost, counsel fees, settlements, and judgments.
- i. It shall engage a Professional Engineer, registered in the State of New Jersey, for design services on the project. In its agreement for professional services, the Sponsor shall require the provision of professional liability insurance or errors and omissions insurance sufficient to protect against liabilities arising out of the professional obligations performed pursuant to the agreements.
- j. In its agreements or professional and non-professional services, the Sponsor shall require the provisions of public liability insurance and every such policy shall include the Sponsor and State as additional named insureds.
- k. All design work shall conform to the applicable American Association of State Highway and Transportation Officials (AASHTO) design criteria and the Department's Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines. The design of traffic barriers and drainage systems shall conform to the Department's Roadway Design Manual. No deviation shall be allowed without the knowledge of the Department. If there is deviation from those standards, the Sponsor shall accept any and all responsibility for any injury or damage by such deviation to any person or property and shall indemnify the State as outlined in this Agreement. All design shall also conform to the current "Manual on Uniform Traffic Control Devices" published by Federal Highway Administration. Design Exception reports will be prepared for all controlling substandard design elements in accordance with the Department's Design Exception Manual. Design Exception reports shall be certified by a New Jersey licensed professional planner.
- l. It shall provide map, reports, detailed plans, supplementary specification and contract documents required by the Department.
- m. All workmanship and materials shall conform to current "New Jersey Department of Transportation Standard Specifications for Road and Bridge Construction" as amended for State Aid.
- n. It is the responsible authority. Without recourse to the State, regarding the settlement and satisfaction of all contractual and administrative issues arising out of the procurement entered in support of this funding.
- o. Prior to advertising for bids, the Sponsor shall notify the Department if it intends to substantially change the scope of the project proposed in the Resolution, Application and Agreement. No substantial change shall be included in the project unless it has been approved by the Department.

- p. Any changes in work after the award of contract shall be documented with a Department approved change order.
- q. Fifteen (15) calendar days prior to advertisement, the Sponsor shall submit the following to the Division of Local Aid and Economic Development:
  - 1. One (1) copy of the contract plans, specifications, engineer's estimate, and engineer's design certification.
  - 2. Other documents as required.
- r. It shall advertise and award the contract in accordance with the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et. seq.
- s. It shall comply with all applicable Federal, State and Local laws, rules, ordinances and regulations.
- t. Within thirty (3) calendar days of construction bids, unless the Department grants an extension of this time, the Sponsor shall submit the following to the Division of Local Aid and Economic Development:
  - 1. Two (2) copies of the summary of construction bids.
  - 2. A resolution awarding the contract to the lowest responsible bidder submitting a responsive bid, subject to the approval of the Department.
- u. For municipal grants, the municipality shall award a construction contract for the grant project within eighteen (18) months of approval of this Resolution, Application, and Agreement by the Department. The Department in its sole discretion may provide one six (6) month extension after receiving an adopted resolution and justification from the Sponsor at least thirty (30) days prior to the expiration of the grant agreement. The Department in its sole discretion may provide a second six (6) month extension, under extraordinary circumstances as defined by NJAC 16:20B1.3 after receiving an adopted resolution and justification from the Sponsor at least thirty (30) days prior to the expiration of the first six month extension. The Department may cancel the grant agreement if the Sponsor does not award the construction contract by the specified time or if an extension is not requested at least thirty (30) days prior to the expiration of the grant agreement or subsequent extensions; or if an extension of time is not granted.
- v. Cancellation of the grant agreement because a construction contract was not awarded within the time requirements or because an extension of time was not properly requested thirty (30) days prior to grant agreement expiration or subsequent extensions will result in future grant funds being provided on a reimbursement basis until such time as the Sponsor demonstrates it can award a construction contract within the specified timeframes.
- w. Sponsors may voluntarily cancel the grant agreement with written notice thirty (30) days prior to the expiration of the grant agreement or subsequent extensions. Voluntarily canceling the grant agreement with proper notification will result in no penalties on future grants.
- x. Upon prior approval of the Department, it may elect to undertake the work through the use of its own forces when it deemed applicable and appropriate.
- y. Neither design costs, the costs for acquisition of all necessary right-of-way, easements, slope rights, and permits nor utility costs shall be considered costs of

the project for purposes of computation of the allotment of State Aid funds under this Agreement except in special cases approved by the Department.

- z. State participation in the cost of the project shall not exceed the lesser of either 100 percent of the cost of the completed construction work including eligible construction supervision, inspection and material testing, or the original allotment. State participation in inspection and material testing costs combined shall be limited to 15 percent of the eligible construction work cost. The State shall not participate in costs that the Department determines to be beyond the scope of the purposes of the allotment, excessive or otherwise unallowable. The Sponsor shall be afforded an opportunity to challenge this determination at an informal hearing.
- aa. At the discretion of the Commissioner of Transportation, payment of the allotted funds may be made to the project Sponsor in the form of a grant. Grant payments shall be made as follows:
  - 1. For programs administered by the Division of Local Aid and Economic Development, a specified percentage of the lesser of the eligible award amount or allotment amount shall be paid at the time of concurrence in the award of the contract by the Department or the full amount of the allotment shall be paid upon approval of this agreement as determined by the Commissioner. The remaining percentage or balance of funds shall be paid upon submission of a final voucher with supporting information as required by the Department. The final voucher must be submitted to the Department within six (6) months of project acceptance. The Department reserves the right to inspect the work associated with the grant as per N.J.A.C. 16:20B-3.2.
  - 2. For County Aid and the Local Bridge Bond Act, the full amount of the annual allotment shall be paid upon approval of the Annual Transportation Plan (ATP) and the execution of this Agreement unless the County has demonstrated unsatisfactory performance, whereby funds will be provided similar to municipal grants.
  - 3. If the Sponsor requests, progress payments shall be on a reimbursement basis. It shall request reimbursement from the Department by submitting vouchers supplied by the Department with supporting information as required by the Department. Progress payments of not less than \$50,000 may be made.
- bb. The Sponsor hereby certifies that all allotted funds shall only be spent on eligible costs for the approved project(s) as described in this Agreement.
- cc. In the event allotted funds remain after completion of the work, the remaining funds shall revert to the source of the funding and shall be reallocated by the Department in a manner determined solely by the Commissioner of Transportation.
- dd. In the event that the Department determines that it has reimbursed the Sponsor in an amount in excess of the funds actually due under this Agreement, the Sponsor shall, upon notice from the Department, make timely repayments to the State. Upon failure of the Sponsor to timely repay such funds, the State is hereby authorized by this Agreement to deduct those funds from any monies due the Sponsor under the terms of any agreement between the State, its Departments and Agencies and the Sponsor or to gain reimbursement through any other remedies available at law or equity.

- ee. It shall provide cost certification and maintain financial records relating to all costs for the project in accordance with N.J.A.C. 16:20A or 16:20B, as applicable, and comply with State of New Jersey audit requirements specified therein.
- ff. It shall maintain complete documentation of the project for a period of three (3) years after receiving final reimbursement or payment by the State.
- gg. It shall maintain the completed project in a manner satisfactory to the Department.
- hh. It will comply with Title VI of the 1964 Civil Rights Act.
- ii. Failure to comply with all provisions contained in this Resolution, Application and Agreement may result in the suspension and/or termination of funding.
- jj. Approval as to Form by Certification Process.

**AN BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to execute and attest this resolution, application and agreement.

**Resolution #06-239** Authorize NJDOT Municipal Aid Grant Application – Suydam Road in the amount of \$150,000.00.

**BE IT RESOLVED** that application is hereby made to the Commissioner of Transportation for an allotment of aid for the improvement of: **Suydam Road** from South Middlebush Road to Canal Road in the Municipality of Franklin Township, Somerset County, State of New Jersey for a distance of **1.57** miles or such portion thereof as may be approved by the Commissioner of Transportation. The total cost estimate for this improvement is **\$245,000.00**. The Sponsor requests **\$150,000.00** in State Funds and anticipated contributing **\$95,000.00**.

**AND BE IT RESOLVED** that any aid received as a result of this application will only be used for eligible costs for the project.

Type of Improvement: *Resurfacing*

Scope of Work: *Suydam Road will be resurfaced with a 2" bituminous concrete overlay. There will also be milling and leveling course as needed for profiling.*

**Total Estimated Cost of Improvement**

Construction Cost	\$232,200.00
Design Engineering	
Right-of-Way	
Construction Inspection & Material Testing is Requesting	\$ 12,800.00
Total Estimated Cost	\$245,000.00

**Project Information**

Is utility work planned within the project limits over the next five (5) years?	No
Is the purchase of right-of-way required before the start of the project construction?	No
Does the project intersect a State Highway?	No
Is there a railroad crossing within the project limits?	No
Is there a railroad crossing 100 feet outside of the project limits?	No
Will the construction impact traffic across a railroad crossing outside the project limits?	No

**AND BE IT FURTHER RESOLVED** that if this application is approved and accepted by the New Jersey Department of Transportation (“the Department”), the Sponsor agrees that:

- a. It shall arrange for financing of the total cost of the project provided for in this Agreement.
- b. It recognizes and agrees that continuation of funding under this Agreement is expressly dependent upon the availability to the Department of Funds appropriated by the State Legislature from State revenues or such other funding sources as may be applicable. The Department shall not be held liable for any breach of this Agreement because of the absence of available appropriation.
- c. In the event that the Department approves funds in an amount less than requested, the Sponsor, at its option, 1) may either rescind this Agreement or 2) continue with the project and assume the entire difference between the total cost of the project and the allotment of State funds or 3) reevaluate the project limits or scope and submit a letter of justification to the Department for approval. In the event the Sponsor rescinds the Agreement, the allotted funds shall revert to the source of the funding.
- d. The Sponsor must notify the Department of its rescission of this Agreement within thirty (30) days of this expiration of the agreement or subsequent extensions. Not meeting this requirement will result in future grants being provided on a reimbursement basis until such time as the municipality demonstrates satisfactory performance in awarding construction contracts. This does not apply to the County Aid Program.
- e. Any purported transfer or assignment of the written obligations of the Sponsor contained herein without prior approval of the Department shall be void.
- f. New Jersey Office of Management and Budget, Circular Letter 05-12, Grant Agreements – Agency Contracts and any supplemental compliance statements by the Department, must be complied with by the Sponsor.
- g. The work to be performed by the Sponsor under this Agreement shall include but not be limited to the following:
  1. Preparation of contract drawings and supplementary specifications.
  2. The acquisition of all necessary right-of-way, easements, slope rights and permits.
  3. Construction of the above referenced improvement.
  4. Monitoring and supervising compliance with all provisions of this Agreement.
- h. It shall defend, indemnify, protect and save harmless the State and its officers, agents, servants, and employees from and against any and all suits, claims, demands or damages of whatsoever kind and nature arising out of, or claimed to arise out of, any act, error or omission of the Sponsor, its consultants, contractors, agents, servants and employees in the performance of the work of the project including, but not limited to, expenditures for and costs of investigations, hiring of expert witnesses, court cost, counsel fees, settlements, and judgments.
- i. It shall engage a Professional Engineer, registered in the State of New Jersey, for design services on the project. In its agreement for professional services, the Sponsor shall require the provision of professional liability insurance or errors and omissions insurance sufficient to protect against liabilities arising out of the professional obligations performed pursuant to the agreements.
- j. In its agreements or professional and non-professional services, the Sponsor shall require the provisions of public liability insurance and every such policy shall include the Sponsor and State as additional named insureds.

- k. All design work shall conform to the applicable American Association of State Highway and Transportation Officials (AASHTO) design criteria and the Department's Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines. The design of traffic barriers and drainage systems shall conform to the Department's Roadway Design Manual. No deviation shall be allowed without the knowledge of the Department. If there is deviation from those standards, the Sponsor shall accept any and all responsibility for any injury or damage by such deviation to any person or property and shall indemnify the State as outlined in this Agreement. All design shall also conform to the current "Manual on Uniform Traffic Control Devices" published by Federal Highway Administration. Design Exception reports will be prepared for all controlling substandard design elements in accordance with the Department's Design Exception Manual. Design Exception reports shall be certified by a New Jersey licensed professional planner.
- l. It shall provide map, reports, detailed plans, supplementary specification and contract documents required by the Department.
- m. All workmanship and materials shall conform to current "New Jersey Department of Transportation Standard Specifications for Road and Bridge Construction" as amended for State Aid.
- n. It is the responsible authority. Without recourse to the State, regarding the settlement and satisfaction of all contractual and administrative issues arising out of the procurement entered in support of this funding.
- o. Prior to advertising for bids, the Sponsor shall notify the Department if it intends to substantially change the scope of the project proposed in the Resolution, Application and Agreement. No substantial change shall be included in the project unless it has been approved by the Department.
- p. Any changes in work after the award of contract shall be documented with a Department approved change order.
- q. Fifteen (15) calendar days prior to advertisement, the Sponsor shall submit the following to the Division of Local Aid and Economic Development:
  - 1. One (1) copy of the contract plans, specifications, engineer's estimate, and engineer's design certification.
  - 2. Other documents as required.
- r. It shall advertise and award the contract in accordance with the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et. seq.
- s. It shall comply with all applicable Federal, State and Local laws, rules, ordinances and regulations.
- t. Within thirty (3) calendar days of construction bids, unless the Department grants an extension of this time, the Sponsor shall submit the following to the Division of Local Aid and Economic Development:
  - 1. Two (2) copies of the summary of construction bids.
  - 2. A resolution awarding the contract to the lowest responsible bidder submitting a responsive bid, subject to the approval of the Department.
- u. For municipal grants, the municipality shall award a construction contract for the grant project within eighteen (18) months of approval of this Resolution,

Application, and Agreement by the Department. The Department in its sole discretion may provide one six (6) month extension after receiving an adopted resolution and justification from the Sponsor at least thirty (30) days prior to the expiration of the grant agreement. The Department in its sole discretion may provide a second six (6) month extension, under extraordinary circumstances as defined by NJAC 16:20B1.3 after receiving an adopted resolution and justification from the Sponsor at least thirty (30) days prior to the expiration of the first six month extension. The Department may cancel the grant agreement if the Sponsor does not award the construction contract by the specified time or if an extension is not requested at least thirty (30) days prior to the expiration of the grant agreement or subsequent extensions; or if an extension of time is not granted.

- v. Cancellation of the grant agreement because a construction contract was not awarded within the time requirements or because an extension of time was not properly requested thirty (30) days prior to grant agreement expiration or subsequent extensions will result in future grant funds being provided on a reimbursement basis until such time as the Sponsor demonstrates it can award a construction contract within the specified timeframes.
- w. Sponsors may voluntarily cancel the grant agreement with written notice thirty (30) days prior to the expiration of the grant agreement or subsequent extensions. Voluntarily canceling the grant agreement with proper notification will result in no penalties on future grants.
- x. Upon prior approval of the Department, it may elect to undertake the work through the use of its own forces when it deemed applicable and appropriate.
- y. Neither design costs, the costs for acquisition of all necessary right-of-way, easements, slope rights, and permits nor utility costs shall be considered costs of the project for purposes of computation of the allotment of State Aid funds under this Agreement except in special cases approved by the Department.
- z. State participation in the cost of the project shall not exceed the lesser of either 100 percent of the cost of the completed construction work including eligible construction supervision, inspection and material testing, or the original allotment. State participation in inspection and material testing costs combined shall be limited to 15 percent of the eligible construction work cost. The State shall not participate in costs that the Department determines to be beyond the scope of the purposes of the allotment, excessive or otherwise unallowable. The Sponsor shall be afforded an opportunity to challenge this determination at an informal hearing.
- aa. At the discretion of the Commissioner of Transportation, payment of the allotted funds may be made to the project Sponsor in the form of a grant. Grant payments shall be made as follows:
  - 1. For programs administered by the Division of Local Aid and Economic Development, a specified percentage of the lesser of the eligible award amount or allotment amount shall be paid at the time of concurrence in the award of the contract by the Department or the full amount of the allotment shall be paid upon approval of this agreement as determined by the Commissioner. The remaining percentage or balance of funds shall be paid upon submission of a final voucher with supporting information as required by the Department. The final voucher must be submitted to the Department within six (6) months of project acceptance. The Department reserves the right to inspect the work associated with the grant as per N.J.A.C. 16:20B-3.2.

2. For County Aid and the Local Bridge Bond Act, the full amount of the annual allotment shall be paid upon approval of the Annual Transportation Plan (ATP) and the execution of this Agreement unless the County has demonstrated unsatisfactory performance, whereby funds will be provided similar to municipal grants.
  3. If the Sponsor requests, progress payments shall be on a reimbursement basis. It shall request reimbursement from the Department by submitting vouchers supplied by the Department with supporting information as required by the Department. Progress payments of not less than \$50,000 may be made.
- bb. The Sponsor hereby certifies that all allotted funds shall only be spent on eligible costs for the approved project(s) as described in this Agreement.
  - cc. In the event allotted funds remain after completion of the work, the remaining funds shall revert to the source of the funding and shall be reallocated by the Department in a manner determined solely by the Commissioner of Transportation.
  - dd. In the event that the Department determines that it has reimbursed the Sponsor in an amount in excess of the funds actually due under this Agreement, the Sponsor shall, upon notice from the Department, make timely repayments to the State. Upon failure of the Sponsor to timely repay such funds, the State is hereby authorized by this Agreement to deduct those funds from any monies due the Sponsor under the terms of any agreement between the State, its Departments and Agencies and the Sponsor or to gain reimbursement through any other remedies available at law or equity.
  - ee. It shall provide cost certification and maintain financial records relating to all costs for the project in accordance with N.J.A.C. 16:20A or 16:20B, as applicable, and comply with State of New Jersey audit requirements specified therein.
  - ff. It shall maintain complete documentation of the project for a period of three (3) years after receiving final reimbursement or payment by the State.
  - gg. It shall maintain the completed project in a manner satisfactory to the Department.
  - hh. It will comply with Title VI of the 1964 Civil Rights Act.
  - ii. Failure to comply with all provisions contained in this Resolution, Application and Agreement may result in the suspension and/or termination of funding.
  - jj. Approval as to Form by Certification Process.

**AN BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to execute and attest this resolution, application and agreement.

**Resolution #06-240** Award Bid – Three (3) Snow Plow Racks – Cornell Equipment Company, Inc. – Not to Exceed \$23,900.00.

**WHEREAS**, a notice to bidders for the receipt of bids for Three (3) Snow Plow Racks as published in the Courier News on April 20, 2006 with a bid opening of May 9, 2006; and

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

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

**Cornell Equipment Co. Inc.**  
**47 Dell Avenue**  
**Kenvil, NJ 07847**

**Three (3) Snow Plow Racks**

**Amount not to exceed \$23,900.00; and**

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

**Resolution #06-242** Extend Contract – Janitorial Services, Municipal Buildings – Good Morning Care, Inc. – July 1, 2006 through June 30, 2007 – Not to exceed \$59,900.00.

**BE IT AND IT IS HEREBY RESOLVED** that the resolution adopted June 30, 2005 awarding bids for Janitorial Services for Municipal Buildings for the period July 1, 2005 to June 30, 2006:

**Good Morning Care, Inc.**  
**231B Franklin Avenue**  
**Cliffside Park, NJ 07010**

**Be extended for the period July 1, 2006 to June 30, 2007 in an amount not to exceed \$59,900.00**

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

**WHEREAS**, that continuation of the terms of this contract beyond June 30, 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.

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

**Resolution #06-243** Award CDBG Rehabilitation Contracts – 22 Lakeside Road to Stormbringer Construction in an amount not to exceed \$17,690.00 and 101 Irvington Avenue to JDA Contracting, LLC in an amount not to exceed \$12,050.00.

**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:** \$12,050.00

**PROJECT:** 101 Irvington Avenue

**CONTRACTOR:** Stormbringer Construction.  
 35 Como Drive

Somerset, NJ 08873  
**AMOUNT:** \$17,690.00  
**PROJECT:** 22 Lakeside Road

**Resolution #06-244** Reject Bids – Youth Center Feasibility Study – Program was terminated.

**WHEREAS**, the Township was notified by the New Jersey Department of Treasury that the Community Development and Property Tax Relief Program that would have funded the aforesaid study had been terminated;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin, Somerset County, New Jersey that the bids for the Youth Center Feasibility Study are hereby rejected.

**Resolution #06-245** Award Non-Fair and Open Contract – Suydam Insurance Agency – Risk Managers.

**WHEREAS**, a need exists to contract for the below noted services for the Township of Franklin, County of Somerset, New Jersey as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

**WHEREAS**, the Chief Financial Officer has certified in writing hereon that funds are available; and

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

**WHEREAS**, Suydam Insurance Agency has completed and submitted a Business Entity Disclosure Certification which certified that they have not made any reportable contributions to a political or candidate committee in the Township of Franklin in the previous one year, and that the contract will prohibit Suydam Insurance Agency from making any reportable contributions through the term of the contract;

**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) The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.
- (3) A notice of this action shall be printed in the **LEGAL NEWSPAPER OF THE TOWNSHIP** as required by law within ten (10) days of its passage.
- (4) The vendor shall supply the Township of Franklin with Federal Affirmative Action Plan Approval or State Certificate of Employee Information Report within the time period specified by NJAC 17:27. The Contract shall contain the Mandatory Affirmative Action Language for Professional Service Contracts required by NJAC 17:27, a copy of which shall be attached to and incorporated in the Professional Service Agreement authorized herein.
- (5) The vendor shall agree to comply with the requirements of Title II of the Americans with Disabilities Act of 1990 and indemnify, protect and save harmless the Township from all suits, claims, losses, demands or damages of whatever kind or nature arising out of or claimed to arise out of alleged violations of the Act. A copy of the Act shall be attached to and incorporated in the Professional Service Agreement authorized herein.

VENDOR NAME: SUYDAM INSURANCE AGENCY  
 ADDRESS: 1743 Route 27  
 Somerset, NJ 08873  
 CONTRACT AMOUNT: N/A  
 SERVICE: Risk Manager Consultant

**Resolution #06-246** Award Non-Fair and Open Contract – Queues Enforth Development, Inc.  
 – Police Software Maintenance Agreement – Not to Exceed \$19,719.00.

**WHEREAS**, a need exists to contract for the below noted services for the Township of Franklin, County of Somerset, New Jersey as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

**WHEREAS**, the Chief Financial Officer has certified in writing hereon that funds are available; 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.

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

**WHEREAS**, Queues Enforth Development Inc. has completed and submitted a Business Entity Disclosure Certification which certified that they have not made any reportable contributions to a political or candidate committee in the Township of Franklin in the previous one year, and that the contract will prohibit Queues Enforth Development Inc. from making any reportable contributions through the term of the contract;

**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) The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.
- (3) A notice of this action shall be printed in the **LEGAL NEWSPAPER OF THE TOWNSHIP** as required by law within ten (10) days of its passage.
- (4) The vendor shall supply the Township of Franklin with Federal Affirmative Action Plan Approval or State Certificate of Employee Information Report within the time period specified by NJAC 17:27. The Contract shall contain the Mandatory Affirmative Action Language for Professional Service Contracts required by NJAC 17:27, a copy of which shall be attached to and incorporated in the Professional Service Agreement authorized herein.
- (5) The vendor shall agree to comply with the requirements of Title II of the Americans with Disabilities Act of 1990 and indemnify, protect and save harmless the Township from all suits, claims, losses, demands or damages of whatever kind or nature arising out of or claimed to arise out of alleged violations of the Act. A copy of the Act shall be attached to and incorporated in the Professional Service Agreement authorized herein.

**VENDOR NAME:** QUEUES ENFORTH DEVELOPMENT INC.

**ADDRESS:** 14 Summer Street  
Malden, Massachusetts 02148  
**CONTRACT AMOUNT:** \$19,719.00  
**SERVICE:** Police Software Maintenance Agreement  
**CONTRACT PERIOD:** July 1, 2006 though June 30, 2007

**Resolution #06-247** Authorize Budget Transfers.

**BE IT RESOLVED** by the Township Council of the Township of Franklin in the County of Somerset and State of New Jersey, that the following transfers be made from the Fiscal Year 2006 Municipal Budget Appropriations:

<b>Department</b>	<b>From:</b>	<b>To:</b>
Grant Salary & Wage	\$ 5,000.00	
Community Resource Salary & Wage		\$ 5,000.00
Grant Salary & Wage	\$ 2,400.00	
Purchasing Salary & Wage		\$ 2,400.00
Salary Adjustment	\$ 1,000.00	
Human Resource Salary & Wage		\$ 1,000.00
Salary Adjustment	\$ 4,000.00	
Data Processing Salary & Wage		\$ 4,000.00
Aid to Volunteer Ambulance Company	\$ 20,000.00	
Gasoline		\$ 20,000.00
School Crossing Guards Salary & Wage	\$ 10,000.00	
911 Tele-Communications Salary & Wage		\$ 10,000.00
School Crossing Guards Salary & Wage	\$ 400.00	
Prosecutor Salary & Wage		\$ 400.00

**Resolution #06-248** Authorize Grant Agreement – NJDCA – 2007 ROID Grant - \$10,000 – Run P.E.E.R. Camp for regular and special education children ages 8-14.

**WHEREAS**, the Township of Franklin, Somerset County desires to apply for and obtain a grant from the New Jersey Department of Community Affairs, for approximately \$10,000 to carry out a project to run P.E.E.R. Camp for regular and special education children, ages 8-14;

**BE IT THEREFORE RESOLVED,**

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

**BE IT FURTHER RESOLVED** that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith: Brian D. Levine, Mayor & Sue Van Aken, Supt. of Recreation.

**Resolution #06-249** Award CDBG Grants – JDL Contracting Company Inc. – 109 S. Lawrence Avenue - \$17,635 & 78 Emerson Road - \$11,650.

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

**CONTRACTOR:** JDL Contracting Co. Inc.  
4 Timothy Avenue  
Kendall Park, NJ 08824

**AMOUNT:** \$17,635.00  
**PROJECT:** 109 South Lawrence Avenue

**AMOUNT:** \$11,650.00  
**PROJECT:** 78 Emerson Road

**Resolution #06-250** Authorize Performance Guarantee Release – Sashshel Corporation – P200005IP – Block 134/Lots 2-12 - \$80,328.00.

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

**ITEM:** Performance Bond  
**NAME OF APPLICANT:** Sashshel Corporation  
**ADDRESS OF APPLICANT:** 6 Lenape Drive, Somerset, NJ 08873  
**NUMBER:** 9704  
**INSURANCE CO./BANK:** The Service Insurance Company  
**IN THE AMOUNT OF:** \$80,328.00  
**FOR:** Site Improvements – Block 134/Lot 2-12 – 676 Franklin Boulevard

**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 \$80,328.00 be released to the above named applicant.

**Resolution #06-251** Authorize Release of Winter Bonds – Canal Walk Associates LLC – P990505P – Various - \$5,500.00.

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

**ITEM:** Winter Bonds  
**NAME OF APPLICANT:** Canal Walk Associates LLC  
**ADDRESS OF APPLICANT:** 112 Schoolhouse Road, Somerset, NJ 08873  
**NUMBERS:** #11543; #12111 to 12120  
**INSURANCE CO./BANK:** N/A  
**IN THE AMOUNT OF:** \$5,500.00  
**FOR:**

<u>Block</u>	<u>Lot</u>	<u>Location</u>
513.20	11	17 Witherspoon Way
513.22	3	3 R8epublic Row

513.22	5	7 Republic Row
513.23	2	42 Constitution Way
513.23	3	40 Constitution Way
513.24	16	31 Constitution Way
513.24	17	33 Constitution Way
513.24	18	35 Constitution Way
513.24	19	37 Constitution Way
513.27	10	29 Jays Corner
513.28	17	17 Delaware Crossing

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

**WHEREAS**, the Township Engineer, after inspection, recommended release of the aforesaid Performance Guarantees;

**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 Guarantees in the total amount of \$5,500.00 be released to the above named applicant.

**Resolution #06-252** Authorize Grant Application – 2007 Municipal Alliance for the Prevention of Substance Abuse Grant Application - \$49,489.00 (cash match \$12,373.00).

**WHEREAS**, the County of Somerset has prepared a grant application which would provide \$49,489.00 to the Township of Franklin for the provision of municipal alliance activities for prevention of alcoholism and drug abuse in Township of Franklin; and

**WHEREAS**, Township of Franklin will secure a 75% match of \$37,116.00 in in-kind services and a 25% cash match of \$12,373.00 will be raised by the Municipal Alliance Committee or provided by the municipality, and a copy of the proposed application is on file in the office of the Township Clerk;

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

**Resolution #06-253** Authorize Release of Construction Water Meter Escrow Monies.

**WHEREAS**, the Township of Franklin, Somerset County has received escrow monies for purposes of utilizing fire hydrants for construction water as required by **Section 236-11 of the Code**; and

**WHEREAS**, the project has been completed and the Director of the Water Division of the Department of Public Works, has certified to the Township Clerk the amount of money actually due for said construction water and has recommended that the balance remaining as set forth be returned to the applicants:

APPLICANT:	Frank Greek Company		
ADDRESS:	33 Cotters Lane		
	East Brunswick, NJ 08816		
AMOUNT DEPOSITED:		\$850.00	\$
AMOUNT TO BE DEPOSITED IN WATER ACCOUNT FOR SERVICE CHARGE & WATER USAGE		\$135.00	
AMOUNT TO BE REFUNDED:		\$715.00	

APPLICANT:	V&C Home Builders, Inc.
ADDRESS:	P.O. Box 1936

Hoboken, New Jersey 07030

AMOUNT DEPOSITED:	\$875.00	\$
AMOUNT TO BE DEPOSITED IN WATER ACCOUNT FOR SERVICE CHARGE & WATER USAGE	\$135.00	
AMOUNT TO BE REFUNDED:	\$740.00	

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin, Somerset County 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 #06-254** Authorize Waiver of Fees for the Fourth of July Celebration.

**BE IT RESOLVED** by the Township Council of the Township of Franklin, Somerset County, New Jersey that it hereby authorizes the waiver of any fees normally required of vendors to sell food of other products for local civic organizations that volunteer to participate in the 4<sup>th</sup> of July Celebration to be held on Friday, June 30, 2006.

**RESOLUTIONS TO BE VOTED ON SEPARATELY**

**Resolution #06-255** Authorize Release of Planning Review – Franklin Industrial Partners – PLN2002-0066 – Block 517.04/Lot 2.12 – Varga Lane - \$4,317.75.

Mayor Levine presented the following resolution:

**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 112-214 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:	Franklin Industrial Partners			
ADDRESS:	33 Cotters Lane East Brunswick, NJ 08816			
DOCKET NO.	PLN2002-0066			
BLOCK/LOT:	517.04/2.12			
LOCATION:	Varga Lane			
AMOUNT DEPOSITED:	\$11,375.00 <CME>	\$2,550.00 <Heyer>	\$575.00	<E. Ritchie>
AMOUNT CHARGED:	<u>\$ 9,407.25</u>	<u>\$ 200.00</u>	<u>575.00</u>	
AMOUNT TO BE REFUNDED:	\$ 1,967.75	\$2,350.00	\$ 0.00	

The aforesaid resolution was moved by Ms. Danile, 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	Regan
Eberle	Levine			Vassanella
McKenzie	Sumter			

**Resolution #06-234** Authorize Renewal of 2006-07 Liquor Licenses (Plenary Retail Consumption & Distribution Licenses; Club Licenses and Hotel/Motel Exception Licenses).

Mayor Levine presented the following resolution:

**WHEREAS**, applications have been received for fifteen (15) Plenary Retail Consumption Licenses, nine (9) Plenary Retail Consumption Licenses issued under the Hotel-Motel Exception, six (6) Plenary Retail Distribution Licenses, and four (4) Club Licenses; and

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

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

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

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

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

with respect to Club Licenses:

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

**NOW, THEREFORE, BE IT RESOLVED** this 13<sup>th</sup> day of June, 2006 by the Township Council of the Township of Franklin in the County of Somerset and State of New Jersey that the Township Clerk be and she is hereby instructed to issue fourteen (14) Plenary Retail Consumption License to the following:

1808-33-001-004	Carefree Entertainment Inc.	Inactive
1808-33-002-002	WEB Inc.	t/a Chaucey's Pub & Restaurant 3059 Route 27, Franklin Park, NJ 08823
1808-33-003-003	Rukh Catering LLC	t/a McAteers Restaurant 1714 Easton Avenue, Somerset, NJ 08873
1808-33-004-003	Fireside Corporation	t/a Hidden Lake Liquors & Lounge

		2011 Route 27, Somerset, NJ 08873
1808-33-006-004	Charlie Browns of Franklin Inc.	t/a Charlie Brown's Steakhouse 4591 Route 27, Kingston, NJ 08528
1808-33-007-006	Franklin Town Pub & Liquor Inc.	t/a Halftime Pub 628 Hamilton Street, Somerset, NJ 08873
1808-33-009-002	Nelsons Bar/Liquors Inc.	Nelsons Bar & Liquors 1135 Easton Avenue, Somerset, NJ 08873
1808-33-010-002	O'Brien's Tavern	t/a O'Brien's Tavern 310 Elizabeth Avenue, Somerset NJ 08873
1808-33-011-003	O'Connors Colonial Farms Inc.	t/a O'Connor's Beef 'n' Chowder House 1719 Amwell Road, Somerset, NJ 08873
1808-33-015-005	One Eleven Wines & Liquors Inc.	t/a Den, The/Sophie's Bistro 700 Hamilton Street, Somerset, NJ 08873
1808-33-016-007	The Palace @ Somerset Park LLC	t/a The Palace @ Somerset Park 345 Davidson Avenue, Somerset, NJ 08873
1808-33-017-007	Principessa LLC	t/a La Principessa Ristorante Bar & Catering 4437 Route 27, Suite 6, Princeton, NJ 08540
1808-33-033-004	WEL/WH Convention Center Mgrs	t/a Garden State Convention Center 50 Atrium Drive, Somerset, NJ 08873
1808-33-039-001	Sashshel Corporation	t/a De Island Breeze 676 Franklin Blvd., Somerset, NJ 08873

**BE IT FURTHER RESOLVED** the Clerk is instructed to issue nine (9) Plenary Retail Consumption Licenses under the Hotel/Motel exception as follows:

1808-36-022-003	Equistar Somerset, Co., LLC	t/a Somerset Marriot Hotel 110 Davidson Avenue, Somerset, NJ 08873
1808-36-025-043	Weston Canal Realty LP	t/a Ramada Inn 60 Cottontail Lane, Somerset, NJ 08873
1808-36-026-006	Pyramid NJ Management LLC	t/a Doubletree Hotel Somerset 200 Atrium Drive, Somerset, NJ 08873
1808-36-027-002	Franklin Hotel Investment LP	T/a Holiday Inn/Jersey Sports Bar/Alex 195 Davidson Avenue, Somerset, NJ 08873
1808-36-034-002	Madison Hospitality, LLC	t/a Clarion Suites 11 Cedar Grove Lane, Somerset, NJ 08873
1808-36-036-002	Ruby Tuesday Inc.	t/a Ruby Tuesdays 250 Davidson Avenue, Somerset, NJ 08873
1808-36-037-001	Toucan-Somerset LLC	t/a Toucan-Somerset LLC 1850 Easton Avenue, Somerset, NJ 08873
1808-36-038-001	Intercontinental Hotels Group Resources Inc.	t/a Staybridge Suites by Holiday Inn 260 Davidson Avenue, Somerset, NJ 08873

1808-36-041-001 Royal Somerset Inn LLC t/a Comfort Suites at Somerset  
315-325 Davidson Avenue, Somerset, NJ

**BE IT FURTHER RESOLVED** that the Clerk is instructed to issue six (6) Plenary Retail Distribution Licenses to the following:

1808-44-005-006 Hiren Inc. t/a Buy Rite Liquors  
900 Easton Avenue, Suite 42, Somerset, NJ  
08873

1808-44-008-004 UJAL Inc. t/a Franklin Liquors  
1199 Route 27, Somerset, NJ 08873

1808-44-012-003 Scarlett Knight Liquors Inc. t/a Scarlett Knights Liquors  
874 Hamilton Street, Somerset, NJ 08873

1808-44-013-011 Liquor King LLC t/a Liquor King  
3391 Hwy. 27, Franklin Park, NJ 08823

1808-44-032-007 A to Z Discount Auto Parts Inc. t/a Cedar Grove Wine & Liquors  
120 Cedar grove Lane, Unites T19-21,  
Somerset, NJ 08873

1808-36-040-001 Camamis, Peter Inactive

**BE IT FURTHER RESOLVED** that the Clerk be instructed to issue four (4) Club Licenses to the following:

1808-31-020-001 Franklin Eagles A.C. Inc. t/a Franklin Eagles A.C. Inc.  
95 Ray Street, Somerset, NJ 08873

1808-31-023-002 Loyal Order Moose Lodge #1803 t/a Loyal Order Moose Lodge #1803  
1300 Hamilton Street, Somerset NJ 08873

1808-31-030-001 New Brunswick Aeerie t/a New Brunswick Eagles  
1329/Eagles 873 Hamilton Street, Somerset NJ 08873

1808-31-031-001 Ten's Enough Inc. t/a Ten's Enough  
37 Pine Street, Somerset NJ 08873

The aforesaid resolution was moved by Ms. Ritchie, seconded by Mr. McKenzie and carried as follows upon call of the roll:

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

**Resolution #06-256** Authorize Renewal of 2006-07 Liquor License – DR Somerset Company

Mayor Levine presented the following resolution:

**WHEREAS**, applications have been received for fifteen (15) Plenary Retail Consumption Licenses, nine (9) Plenary Retail Consumption Licenses issued under the Hotel-Motel Exception, six (6) Plenary Retail Distribution Licenses, and four (4) Club Licenses; and

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

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

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

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

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

**NOW, THEREFORE, BE IT RESOLVED** this 13<sup>th</sup> day of June, 2006 by the Township Council of the Township of Franklin in the County of Somerset and State of New Jersey that the Township Clerk be and she is hereby instructed to issue one (1) Plenary Retail Consumption License to the following:

1808-33-014- 003	DR Somerset Company	t/a Somerset Inn 507 Hamilton Street, Somerset, NJ 08873
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The aforesaid resolution was moved by Ms. Ritchie, seconded by Mr. McKenzie and carried as follows upon call of the roll:

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

**EXECUTIVE SESSION**

Upon 8motion by Mr. McKenzie, seconded by Ms. Ritchie, the following resolution was adopted as follows upon call of the roll:

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

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

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

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

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

**Personnel (Tax Assessor) & Acquisition of Open Space Property (West Point Property)**

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

Mayor Levine announced that Council would be adjourning to Executive Session. Business may be conducted after the conclusion of the Executive Session.

At 11:25 p.m., the Township Council adjourned the Executive Session and returned to the Regular Meeting.

**Resolution #06-256.1** Authorize Township Manager to send letter regarding the Township Assessor to the Somerset County Board of Taxation

Upon motion by Ms. Ritchie, seconded by Mr. Sumter, the following resolution was adopted upon call of the roll:

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

**BE IT RESOLVED** by the Township Council of the Township of Franklin that it hereby authorizes the Township Manager to send the letter as drafted on by the Township Attorney dated June 13, 2006 requesting the Somerset County Board of Taxation to initiate disciplinary charges against the Township Tax Assessor.

**ADJOURNMENT**

Ms. Ritchie moved to adjourn the meeting at 11:29 p.m. Said motion was seconded by Ms. Danile and carried unanimously upon call of the roll.

Approved: *As Submitted.*

Brian D. Levine, Mayor

Date: *September 12, 2006*

Ann Marie McCarthy, Township Clerk