

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 7:08 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 Municipal Complex at 7:00 p.m. on July 11, 2006. In addition, a copy of this notice is and has been available to the public and is on file in the Office of the Municipal Clerk."

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

The Township Clerk called the roll.

Present: Ms. Danile, Ms. Eberle, Mr. Levine, Mr. McKenzie, Mr. Regan, Ms. Ritchie, Mr. Sumter, Mr. Vassanella

Absent: Ms. Ashley-Williams

Also present: Daniel Fitzpatrick, Esq., Acting Township Attorney, Kenneth W. Daly, Township Manager, Ann Marie McCarthy, Township Clerk

COMMENDATIONS

Annual Art Exhibit Winners

Mayor Levine with Ms. Ritchie presented the following commendations extending congratulations and commendations for their artistic success at Franklin Township's 2nd Annual Art Exhibition – "Franklin Township, See and Unseen" on June 30, 2006:

Craig Sarnicki	"Green River"	Juror's Award Honorable Mention
Sid Lentz	"Red Tail Hawk"	Juror's Award Honorable Mention
Sally Davidson	"Tree"	Juror's Award Honorable Mention
Jay Shin	"Dream of Good Harvest"	Juror's Award Honorable Mention
Junko Shinsha	"Abandoned Farm House"	Juror's Award Best of Show
Carol Blanchfield	"Construction Abstract"	Juror's Award Best Photograph
Gwen Lentz	"Barn"	Historic Preservation Comm. Award
Christine Burke	"Fire and Water"	Deputy Mayor's Award
Patricia Bender	"Delaware Bender"	Mayor's Award

Mayor Levine and Mr. Vassanella presented the following commendation to Idaherma Williams:

WHEREAS, IDAHERMA WILLIAMS has demonstrated her commitment to the arts and service to the community by creating the "clothesline exhibition" of the works of local artists and photographers; and

WHEREAS, as a result of her efforts, this inexpensive and convenient way of displaying the works of those who participated in Franklin Township's Second Annual Art Exhibition was enjoyed by all; and

WHEREAS, the theme of the exhibit was "FRANKLIN TOWNSHIP, SEEN AND UNSEEN" and **IDAHERMA WILLIAMS** demonstrated her professionalism and expertise by acting as chair and juror, sharing her understanding and enthusiasm for the arts with each of the participants,

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 recognize **IDAHERMA WILLIAMS** for her efforts to raise awareness of the importance of fostering a love of the arts and commend her for her talent and dedication.

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 2nd and 4th Tuesdays of the month. He stated to watch for budget meetings to be scheduled in the summer.
- Reported they had a terrific Independence Day Celebration on Friday, June 30 with food, fireworks and games for children.
- Announced that OP COP will be Tuesday, August 1st sponsored by the Franklin Township Police Department.
- Announced that on Wednesday, August 2nd at 7:00 p.m. at Franklin Park School Congressman Rush Holt, who represents Franklin in the US Congress will hold a Town Hall meeting. He stated that Congressman Holt is a very honorable Congressman. He invited all to attend.
- Reported there is an advocacy group for the disable called "Monday Morning". On July 10th, the initial meeting of the Somerset County Chapter met at the Franklin Township Library. He congratulated Ms. Jackie Jackson who is coordinating and has done much to raise awareness of accessibility. He stated that anyone interest could contact him for directions.

COMMITTEE REPORTS

Hamilton Street Business Corporation

Mr. Vassanella reported that the contract for traffic striping and markings was awarded for Hamilton Street and it should be completed by the end of the summer. He reported on a pilot program for historical street lights. He invited all residents and businesses in the Hamilton Street area to attend meetings. He noted that there is a waiting list for the Board.

Financial Oversight Committee

Ms. Danile presented the following report:

"The Finance Oversight Committee met on July 7, 2006. The committee discussed the following:

1. Mr. Andrew Hodulik of Hodulik and Morrison, P.A. presented the audit report for the fiscal years ended June 30, 2005 and 2004. The committee was briefed on the auditor's General Comments and Reportable Conditions encountered during the course of their audit.

2. The committee was presented with a *List of Capital Projects for FY2007* requiring permanent financing. Attached is a list of the total unfunded to be bonded totaling \$26,146,182 (including \$16,499,175 for Open Space).
3. Mr. Daly explained Revenues associated with the FY2007 budget (which is attached). Of the \$51,722,297 anticipated revenue for FY2007, \$24,673,033 is expected to come from municipal property taxes.”

Mayor Levine reported that the resolution for accepting the audit is scheduled for July 18th.

Ms. Ritchie reported that the Land Use Open Space Committee met last night and a full report will be made at the next meeting.

REVIEW OF THE PREPARED AGENDA

Mayor Levine led an extremely brief review of the prepared agenda.

COUNCIL DISCUSSION ITEMS

Petition for Moratorium on Annual Assessments

Ms. Danile gave a brief background starting with her presentation at a Council meeting regarding tax assessment. She stated in her presentation that she went through an analysis stating that if the number of homes increases, the cost per unit should decrease. She stated that the people in attendance this evening are proof of what she reported last year. In her report she had concluded that the residential property owners were being unfairly burdened with property assessments which has had quite an impact on the increase in property taxes. She reported that it has been very difficult to get a handle on how assessment works, noting that she has found inconsistencies in assessment and re-assessment applications from the last few years. She reported problems found in the Canal Walk development where they were being assessed for items that they did not have in their homes. Ms. Danile stated that while speaking with Canal Walk residents, Somerset Run residents have expressed the same concerns. Ms. Danile read the petitions from both associations. She stated that “no” is not an option for a moratorium on annual assessments.

Mr. Regan supported Ms. Danile and asked the Township Attorney what legal options does Council have at this time. Mr. Fitzpatrick replied that the State and County control the actions of the Tax Assessor. He stated that a municipality does not have the ability to issue a moratorium on assessments, only the State and County could do so. Mr. Fitzpatrick asked if the Tax Assessor has requested to the County Board of Taxation for assessment this year. Mr. Daly replied he had and it had been approved by the County Board of Taxation. Mr. Fitzpatrick stated that a short-term solution is to file tax appeals and the long-term solution would be for the Township to approach the County to impose a moratorium.

Mr. McKenzie asked if a moratorium is granted, could it be granted for one section of the Township only. Mr. Fitzpatrick replied he was not sure if that was possible. Mr. McKenzie asked if the Township wanted to request a moratorium from the County Board of Taxation it should be done by resolution. Mr. Fitzpatrick replied yes. Mr. McKenzie stated that there are corrections that need to be made in the tax assessments throughout the Township and he was in favor of a resolution of support of a moratorium.

Mr. Vassanella agreed that it should be changed, noting that the Township does not have the resources in the office and that the guidelines have not been met. He stated that he is not against a moratorium. He asked when is the time Council should request it from the County. Mr. Fitzpatrick stated that correspondence should be sent to the County Board of Taxation and that a resolution from Council would be taken more seriously. Mr. Vassanella

asked if the moratorium is issued, would that forfeit the property owner's right to appeal. Mr. Fitzpatrick replied no.

Mr. Regan stated that within the 21 municipalities in Somerset County 14 out of 21 conduct annual assessments. He stated that within the 566 municipalities in the State less than 25 conduct annual assessments. He stated that we are on the cutting edge in regards to open space and not in regards to tax assessment. He asked how many citizens appeal their assessments. Mr. Fitzpatrick approximately that it is more than 100. Mr. Regan stated that persistence does pay off, noting that Mr. Lentz has appealed approximately six (6) times and won all his appeals. He urged property owners to continue to challenge their assessments.

Mr. Regan moved that the Financial Oversight Committee discuss this matter and provide a recommendation to Council for action to move forward on this matter at the next meeting. Said motion was seconded by Mr. Vassanella. Said motion was carried unanimously upon call of the roll.

Ms. Danile expressed her thoughts that she would like Council to take action at tonight's meeting. Ms. Danile moved to adopt a resolution requesting to the County Board of Taxation that it issue a moratorium of annual assessments to up to five (5) years (minimum of one-year and maximum of five-years. Said motion was seconded by Mr. Sumter.

Ms. Ritchie recommended that Council ask for one-year at this time to understand this matter and then ask for another year to correct this system. Mr. Regan agreed that Council should request one-year and if it works out, request for more time. Mayor Levine clarified that this is a decision regarding a moratorium, it is making a request to the County to consider it.

Mr. Vassanella moved to amend the motion to request a two-year moratorium on annual assessments. Said motion was seconded by Mr. Regan. Said motion was withdrawn.

Ms. Ritchie asked if the moratorium was applicable to the entire Township. It was replied yes. Mr. Regan called the motion.

Ms. Danile moved to amend the motion to request a moratorium on annual tax assessments for 3-5 year period. Said motion was seconded by Mr. Sumter and *failed* as follows upon call of the roll:

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

The original motion to adopt a resolution requesting to the County Board of Taxation that it issue a moratorium of annual assessments to up to five (5) years (minimum of one-year and maximum of five-years *carried* as follows upon call of the roll:

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

The approved motion resulted in the adoption of the following resolution:

Resolution #06-327 **Resolution Requesting Suspension of Annual Reassessment Program for a period of at least one (1) Year and until 1) a Complete Revision of the Reassessment Software has been installed pursuant to the Directive of the Division of Taxation; and 2) a Complete Revision of the Assessment Practices within the Township has been conducted to**

assure that future Reassessments will not suffer from the inequities and inaccuracies outline in this Resolution.

WHEREAS, The primary source of funding for both municipal services and education is the local property tax; and,

WHEREAS, the Tax Assessor of the Township of Franklin is responsible for the assessment of real property in the Township, and,

WHEREAS, The Tax Assessor has chosen to institute a plan of annual reassessments of property within the Township, the net effect of which is to unduly increase the tax burden on homeowners and residents of the Township; and,

WHEREAS, by state law the, the Tax Assessor does not answer to the Township Council, but rather is responsible for his actions only to the County Tax Board and the State Division of Taxation; and,

WHEREAS, without notice to the Township and contrary to representations made to the Township Council and Administration, the Tax Assessor has sought and received the permission of the Somerset County Tax Board to conduct a reassessment for tax year 2007; and,

WHEREAS, it has become clear to the Township Council that the process of annual reassessment is rife with error due in large part to the fact that the Tax Assessor Office each year falls short on the required number of inspections and assessments and instead places undue reliance on an antiquated and deficient computer program;

WHEREAS in tax year 2006 there were more than 800 properties containing documented errors causing the Tax Assessor to file tax appeals to the Somerset County Board of Taxation; and,

WHEREAS, the number of tax appeals filed by the Tax Assessor in 2006 exceeds all the tax appeals filed, from any source, in Somerset County for tax year 2006; and,

WHEREAS the defects in the reassessment for tax year 2006 were brought to the attention of the Somerset County Tax Board following a study conducted by a Franklin Township taxpayer and not through any effort by the Tax Assessor to correct errors which were known to him prior to the filing of the assessment with the County Tax Board; and,

WHEREAS, the Tax Assessor's conduct of the 2006 tax year reassessment is currently the subject of disciplinary proceedings before the Somerset County Tax Board; and,

WHEREAS, the State of New Jersey, Division of Taxation has undertaken a major revision of the computer software utilized for annual reassessments and has ordered that the same be used for Tax year 2007; and,

WHEREAS, The Township Council has received communications from a substantial number of it's citizens demonstrating that the public lacks confidence that the system of annual reassessment will be conducted in a fair and accurate fashion; and,

WHEREAS, the public has indicated that their attempts to secure information concerning the annual reassessment has been frustrated by the Tax Assessor's unwillingness to share information concerning the manner and method in which same is conducted including the refusal to explain or defend the assessment at hearing before the Somerset County Tax Board; and,

WHEREAS, the Township Council has determined that the annual reassessment of real property within the Township is not in the best interest of the residential taxpayer and that such

a system unfairly shifts the tax burden from non-residential to residential taxpayers and does not adequately and accurately reflect the fair market value of residential property.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Franklin that it does hereby call upon the Somerset County Board of Taxation to suspend the annual reassessment program within the Township for a period of at least one year and until: 1) a complete revision of the reassessment software has been installed pursuant to the directive of the Division of Taxation; and, 2) a complete review of the assessment practices within the Township has been conducted to assure that future reassessments will not suffer from the inequities and inaccuracies outlined in this resolution.

Mr. Vassanella moved that Council find ways to ensure Department is properly set up and monitored and that the Township be proactive and find the proper channels for getting information out to the residents and to resolve complaints regarding OPRA requests. Said motion was seconded by Ms. Danile and carried unanimously upon call of the roll.

APPROVAL OF MINUTES

Mayor Levine presented the following minutes for approval: May 23, 2006 Work Session/Regular Meeting and May 23, 2006 Executive Session.

Ms. Ritchie moved approval of the following minutes: May 23, 2006 Work Session/Regular Meeting and May 23, 2006 Executive Session. Said motion was seconded by Mr. Regan carried as follows upon call of the roll:

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

PUBLIC DISCUSSION

Sara Alford, 8 Stryker Road, thanked Council for petitioning the Somerset County Tax Board to freeze assessments. She expressed her concerns with the Tax Assessor's records. She stated that there are property record cards that are incorrect. She stated that she asked for copies of her property record card and was told that a page was not subject to the Open Public Records Act. Ms. McCarthy replied that all Open Public Records Requests should be processed through the Township Clerk's Office, not the Assessor's Office.

Tony Bonacoro, 275 Longwood Lane, stated that the petition is a bi-partisan effort that started in February/March. He explained that residents of Somerset Run started to appeal their assessments. He stated that an effect of the moratorium would be setting commercial against residential. He stated that commercial properties have been appealing their assessments and are winning. He noted that the market is bad. He recommended that an equilibrium between commercial and residential be established.

Laura Grund, 587 Post Lane, stated that she is the Chairman of the Somerset Run Committee. She stated that they are willing to work with the Tax Assessor to correct the errors on the property cards. She supported the public comments made prior to her comments. She asked why orders cannot be rescinded. She stated that one can appeal every year. She stated that the Tax Assessor's Office needs to clean up its act. She asked that the resolution include the County Board of Taxation to provide additional oversight of the Tax Assessor's Office.

Daniel Glicklich, 27 Jay's Corner, stated that at least one year and up to five years for the moratorium is more appropriate. He asked that the resolution state that Franklin Township does not have the resources to assess the new housing. He suggested that the resolution be

sent to the Tax Assessor's Office. He recommended that there be a large showing of residents and governing body members when their request is on the Board of Taxation's agenda.

Sid Lentz, Cornelius Way, stated that they have been down this road before. He stated that the problem is with the Tax Assessor not with the assessment program. He suggested that they request Bill Linville to remove or replace Franklin's Tax Assessor. He believes that annual assessment programs is fair if done correctly. He asked when did the Assessor ask the County for an annual assessment. Ms. Ritchie replied the letter was sent last month.

Ed Gaughan, 19 Benjamin Street, stated that his house is on a slab and is assessed to high and noted that he was assessed with having a basement since December 2003. He asked if there was a process for him to get reimbursements from December 2003 to the present. It was noted that one can not appeal for prior years, only for the current year.

Phil Ruziska, Somerset Run, 4303 Chesterwood Way, stated that in Texas one could check their assessments on-line. He stated that assessment records are a matter of public record.

Mary Shield, 599 Post Lane, Somerset Run, stated that annual assessments place a burden on recent sales and new homes. She stated that a problem exists with the program. She asked that the resolution be carefully drafted and include Ms. Danile's input.

Ken Green, 221 Blairsden Court, thanked Ms. Danile for all of her held. He agreed with all prior comments made about the assessment program. He asked what happened to the additional tax collected with the additional building and people. Mayor Levine replied that new police officers were hired and additional personnel in Public Works. Mr. Green asked why weren't new personnel added to the Assessor's Office.

Mary Minutillo, 3 Bayard Road, stated that the taxes are unfair. She stated that there was an error made on her property record. She stated that her appeal was denied because she missed the deadline. She stated that she has attempted to contact the Assessor regarding this matter and has not received a response back. She stated that the Township is stealing from her and asked what is her recourse.

Phil Kramer, TUF, 429 Canal Road, spoke of technical corrections; new houses and freezing the assessment. Ms. Ritchie stated that the resolution is to fix the problem and correct the errors. He stated that on TUF's website, one can find an interview with the Tax Assessor. He also stated that one can find their tax records on taxrecords.com. He requested that the resolution include that if there are errors on a property record card that the Tax Assessor correct them. Mayor Levine stated that freezing assessments would not change property taxes very much. He stated that the more homes built, the more children in the schools.

David Robinson, 349 Biltmore Lane, stated that the spending levels of the Board of Education and Township should be watched more closely. He stated that spending is uncontrolled and that employees should be paying or at least contributing for their medical benefits like everyone else in industry. Council needs to do a better job controlling costs.

James Delavette, 492 Crossfields Lane, thanked Ms. Danile for all of her help. He stated that the problems are with the accuracy of the Tax Assessor.

CONSENT AGENDA ITEMS

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

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

Resolution #06-309 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 with all the charges due the said individuals at the time of redemption be and the same are hereby ordered refunded to the said individuals, and the proper officials of the Township of Franklin, Somerset County, New Jersey are hereby authorized and empowered to execute a voucher to the said individuals in the following amounts:

Date of Sale: June 1, 1999
Block/Lot: 95/28
Name & Address: Peter Indri
 158 Churchill Avenue
 Somerset, NJ 08873
Amount: \$52,916.22
Make Check Payable To: Barbara Indri
 424C Hamilton Street
 Somerset, NJ 08873
Certificate No.: 99-034
Payment Received: June 23, 2006

Date of Sale: June 8, 2006
Block/Lot: 34.07/16.07C0027
Name & Address: Andrews, Evelyn & Kenneth
 81 Chelsea Court
 Franklin Park, NJ 08823
Amount: \$94.69
Make Check Payable To: Chun T. Li
 9 Maljim Court
 Wayne, NJ 07470
Certificate No.: 06-022
Payment Received: June 23, 2006

Date of Sale: June 9, 2005
Block/Lot: 289/112
Name & Address: 349 Hillcrest LLC
 1373 Broad Street
 Clifton, NJ
 (For 349 Hillcrest Ave.)
Amount: \$21,136.74
Make Check Payable To: Plymouth Financial Co.
 P.O. Box 2288
 Morristown, NJ 07962-2288
Certificate No.: 05-070
Payment Received: June 26, 2006

Date of Sale: June 8, 2006
Block/Lot: 34.08/9.01C0373
Name & Address: Brookins, Anthony & Karen
 5 Bethany Court
 Franklin Park, NJ 08823
Amount: \$611.71
Make Check Payable To: Daxuan Wang
 11 Walnut Street
 Livingston, NJ 07039
Certificate No.: 06-024
Payment Received: June 28, 2006

Date of Sale: June 8, 2004
Block/Lot: 88.02/77
Name & Address: Paftinos, Peter & John
 57 Veronica Avenue
 Somerset, NJ 08873
Amount: \$14,775.51
Make Check Payable To: Crusader Servicing Corp.
 179 Washington Lane
 Jenkintown, PA 19046
Certificate No.: 04-032
Payment Received: June 29, 2006

Date of Sale: June 9, 2005
Block/Lot: 88.02/77
Name & Address: Paftnos, Peter & John
 57 Veronica Avenue
 Somerset, NJ 08873
Amount: \$34,104.74
Make Check Payable To: Crusader Servicing Corp.
 179 Washington Lane
 Jenkintown, PA 19046
Certificate No.: 05-025
Payment Received: June 29, 2006

Date of Sale: June 8, 2006
Block/Lot: 88.02/77
Name & Address: Paftinos, Peter & John
 57 Veronica Avenue
 Somerset, NJ 08873
Amount: \$1,751.96
Make Check Payable To: Crusader Servicing Corp.
 179 Washington Lane
 Jenkintown, PA 19046
Certificate No.: 06-057
Payment Received: June 29, 2006

Date of Sale: June 8, 2006
Block/Lot: 87.02/1
Name & Address: Borzon, Nicholas B.
 1496 Hamilton Street
 Somerset, NJ 08873
Amount: \$164.92
Make Check Payable To: Martyrson Imbert
 10 Garden Hills Drive
 Somerset, NJ 08873

Certificate No.: 06-054
Payment Received: June 29, 2006

Date of Sale: June 8, 2006
Block/Lot: 308/30.01
Name & Address: Pyram, Luc
100 Girard Avenue
Somerset, NJ 08873
Amount: \$251.33
Make Check Payable To: Duxuan Wang
11 Walnut Street
Livingston, NJ 07039

Certificate No.: 06-143
Payment Received: June 30, 2006

Date of Sale: June 8, 2006
Block/Lot: 20.101/11.02 C0109
Name & Address: Duprre, N. & Hendricks, D.
31 Columbus Drive
Franklin Park, NJ 08823
Amount: \$914.33
Make Check Payable To: Sequoia Investments
PO Box 5600
Woodbridge, NJ 07095

Certificate No.: 06-004
Payment Received: June 23, 2006

Date of Sale: June 8, 2006
Block/Lot: 34.01/22
Name & Address: Anderson, Jeanette
43 Pleasant Plains Road
Franklin Park, NJ 08823
Amount: \$4,679.04
Make Check Payable To: Fidelity Tax LLC
PO Box 5707
Ft. Lauderdale, FL 33106

Certificate No.: 06-010
Payment Received: June 21, 2006

Date of Sale: June 8, 2006
Block/Lot: 171.02/9
Name & Address: Martinez, W. Jr. & M.C.
31 Douglas Avenue
Somerset, NJ 08873
Amount: \$475.50
Make Check Payable To: JNH Funding Corp.
90 Dayton Avenue
Passaic, NJ 07055

Certificate No.: 06-093
Payment Received: June 27, 2006

Date of Sale: June 8, 2006
Block/Lot: 202/17.01
Name & Address: Lech, Wieslaw
177 Alcorn Street
Somerset, NJ 08873
Amount: \$8,490.83
Make Check Payable To: Plymouth Financial Co.

PO Box 2288
 Morristown, NJ 07962-2288
Certificate No.: 06-111
Payment Received: June 30, 2006

Date of Sale: June 8, 2004
Block/Lot: 287.02/42
Name & Address: Bennett, Alma D.
 27 Arden Street
 Somerset, NJ 08873
Amount: \$43,748.20
Make Check Payable To: Wachovia as Cust. For Phoenix
 Tax Lien Services Group
 PA1328P, 123 South Broad Street
 Philadelphia, PA 19109

Certificate No.: 040074
Payment Received: June 30, 2006

Date of Sale: June 9, 2005
Block/Lot: 330/12
Name & Address: Locke, J. & et al
 12 Mazwell Lane
 Somerset, NJ 08873
 (For 28 Atlantic Road)
Amount: \$23,277.78
Make Check Payable To: Plymouth Financial Co.
 PO Box 2288
 Morristown, NJ 07962-2288

Certificate No.: 05-080
Payment Received: June 27, 2006

Date of Sale: June 8, 2006
Block/Lot: 330/12
Name & Address: Locke, J. & et al
 12 Mazwell Lane
 Somerset, NJ 08873
 (For 28 Atlantic Road)
Amount: \$55.58
Make Check Payable To: Plymouth Financial Co.
 PO Box 2288
 Morristown, NJ 07962-2288

Certificate No.: 06-149
Payment Received: June 27, 2006

Date of Sale: June 8, 2006
Block/Lot: 349.01/29
Name & Address: McDermott, L. Trustee S.
 3 Lebed Drive
 Somerset, NJ 08873
Amount: \$7,146.13
Make Check Payable To: Plymouth Financial Co.
 PO Box 2288
 Morristown, NJ 07962-2288

Certificate No.: 06-160
Payment Received: June 30, 2006

Date of Sale: June 8, 2006
Block/Lot: 386.10/116

Name & Address: Korman, V. & Barenbaum, A.
116 Almond Drive
Somerset, NJ 08873

Amount: \$3,557.66

Make Check Payable To: Stuart Lasher
PO Box 83
Milltown, NJ 08850

Certificate No.: 06-174

Payment Received: June 30, 2006

Date of Sale: June 8, 2006

Block/Lot: 386.15/9

Name & Address: Paula Battle-Coble
525 New Brunswick Road
Somerset, NJ 08873

Amount: \$681.43

Make Check Payable To: James C. Older
87 East Mountain Road
Hillsborough, NJ 08844

Certificate No.: 06-177

Payment Received: June 23, 2006

Date of Sale: June 8, 2004

Block/Lot: 471/44.11

Name & Address: Daystar Home Builders
535 New Brunswick Road
Somerset, NJ 08873
(For 90 Marcy Street)

Amount: \$15,585.55

Make Check Payable To: Sam Development Group
PO Box 720
Belle Mead, NJ 08502

Certificate No.: 040113

Payment Received: June 22, 2006

Date of Sale: June 8, 2006

Block/Lot: 507.18/2.04

Name & Address: Feldhun, Ronald B.
2207 Conrad Way
Somerset, NJ 08873

Amount: \$76.55

Make Check Payable To: Chun T. Li
9 Maljim Court
Wayne, NJ 07470

Certificate No.: 06-205

Payment Received: June 30, 2006

Resolution #06-310 Authorize Issuance of Raffle/Bingo License.

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

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

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

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

<u>NAME OF ORGANIZATION</u>	<u>DATE OF RAFFLE/BINGO</u>
Franklin Township Food Bank, Inc. 60 Millstone Road, Somerset, NJ On-Premise 50/50 – RL#1568 Drawing: Colonial Park, Somerset	September 18, 2006 8:00 am – 3:00 pm
Franklin Township Pop Warner, Inc. P.O. Box 6644, Somerset, NJ Off-Premise Raffle – RL#1570 Drawing: Franklin Middle School	September 29, 2006 7:00 pm
Friends of McCarrick Care Center 15 Dellwood Lane, Somerset, NJ Off-Premise Raffle – RL#1571 Drawing: 15 Dellwood Lane	September 9, 2006 2:00 pm

Resolution #06-311 Authorize Township to Submit a Grant Application to the Somerset County Planning Board for the Municipal Planning Partnership Program.

WHEREAS, the Township of Franklin has entered into an Inter-Municipality Policy Agreement with the Somerset County Planning Board and various other governing bodies in Somerset County setting forth a Memorandum of Understanding Regarding Projects of Regional Significance on March 14, 2000; and

WHEREAS, Somerset County has created and funded the Municipal Planning Partnership Grant Program to provide funds to municipalities seeking to conduct new planning projects designed to promote inter-municipal planning and cooperation, smart growth and regional planning initiatives; and

WHEREAS, the Township of Franklin is seeking funding from the County of Somerset to undertake a Pedestrian System Feasibility Study; and

WHEREAS, this project will benefit the community and region by creating a safe and functional pedestrian route along the Route 27 Corridor in the Township of Franklin; and

WHEREAS, it has been determined that the cost of completing this project will be \$35,000.00;

NOW. THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Franklin that the Mayor is hereby authorized to file an application with the Somerset County Municipal Planning Grant Program for Fiscal Year 2006 for a grant not to exceed \$35,000.00 for the purpose of completing the Pedestrian System Feasibility Study;

BE IT FURTHER RESOLVED that the Mayor and Council of the Township of Franklin hereby directs the Township Clerk to forward a copy of this resolution to the Somerset County Planning Board.

Resolution #06-312 Accept Resignation from Alfred Ceaser from the Zoning Board of Adjustment effective immediately.

BE IT AND IT IS HEREBY RESOLVED that the Township Council of the Township of Franklin, County of Somerset, New Jersey, does hereby accept the resignation of Alfred Ceaser as a Regular Member of the Zoning Board of Adjustment, effective immediately.

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

Resolution #06-313 Award Professional Services Contract – Rohini Jobanputra, MD – Clinic Physician, July 1, 2006 to June 30, 2007 – Amount Not to Exceed \$12,480.00.

WHEREAS, a need exists to contract for the below noted services for the Township of Franklin, County of Somerset, New Jersey; and

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

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

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

- (1) The Mayor and Township Clerk are hereby authorized and directed to execute the below referenced agreement with the below stated vendor, which agreement shall be maintained on file with the Township Clerk and available for public inspection.
- (2) This agreement is awarded without competitive bidding as a "PROFESSIONAL SERVICE" under the provisions of the Local Public Contracts Law because it is a recognized profession licensed and regulated by law and it is not possible to obtain competitive bids.
- (3) A notice of this action shall be printed in the **LEGAL NEWSPAPER OF 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: ROHINI JOBANPUTRA, MD
ADDRESS: 1982 Holland Drive
Somerville NJ 08876
CONTRACT AMOUNT: \$160.00 per Clinic/An amount not to exceed \$12,480.00
SERVICE: Clinic Physician – July 1, 2006 to June 30, 2007

Resolution #06-314 Award Contract – General Office Environments – File Cabinets for Community Development Office – Not to Exceed \$24,779.66.

WHEREAS, Notice of Quotation was posted on the Township website on July 21, 2006 for receipt of quotes on July 3, 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 FURTHER RESOLVED that continuation of the terms of this contract beyond June 30, 2006 is contingent upon availability of funds in the 2007 FY Budget, and in the event of unavailability of such funds, the Township of Franklin reserves the right to cancel this contract.

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

General Office Environments
18 Railroad Avenue
Rochelle Park, NJ 07662

File Cabinets for Community Development Office in an amount not to exceed \$24,779.66; 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 #06-315 Extend Contract – Fred Johnston III, Inc. – Mowing and herbicide application of Township Open Space (Negri-Nepote and Griggs Park) – August 1, 2006 to July 31, 2007 – Not to Exceed \$19,170.00.

BE IT AND IT IS HEREBY RESOLVED that the resolution adopted September 14, 2004 awarding bids for mowing and herbicide application of Township Open Space (Negri-Nepote and Griggs Park) for the period August 1, 2004 to July 31, 2006:

Fred Johnston III, Inc.
PO Box 520
Ringoes, NJ 08851

Be extended for the period August 1, 2006 to July 31, 2007 in an amount not to exceed \$19,170.00;

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 #06-316 Authorize Change Order No. 1 – Construction of Animal Shelter Facility – Apex Enterprises of Union, Inc. - \$9,243.50 – New Contract Total: \$826,253.50.

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

**Apex Enterprises of Union, Inc.
2254 Corlies Avenue
Neptune City, NJ 07753**

An amount not to exceed \$817,000.00; and

WHEREAS, during further course of the contract, it was discovered after work began the need for an electrical change to run power to the building was found resulting in the need to increase the contract as follows:

CHANGE ORDER NO. 1:

Construction of Animal Shelter Facility – Amount not to exceed \$9,243.50

New Contract Total not to exceed \$826,253.60; and

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

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

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

Resolution #06-317 Extend Competitive Contract – Summit Ad Group – Design and Print Township Newsletter – 4th Year – August 1, 2006 to July 30, 2007 – Not to Exceed \$34,000.00.

WHEREAS, a notice to bidders for the receipt of bids for the Design and Printing of the Franklin Township Newsletter was published in the Courier News on June 1, 2003 for receipt on July 1, 2003. The notice was also published on the Township website; and

WHEREAS, a contract was awarded to Summit Ad Group on August 12, 2003 for a period of one year (August 2003 to July 2004) for the amount of \$28,000.00; extended on May 25, 2004 for the period of one year (August 2004 to July 2005) and extended on June 14, 2005 for the period of one year (August 2005 to July 2006); and

WHEREAS, in accordance with the original specifications and upon mutual agreement between the Township and vendor, said contract can be extended on an annual basis up to a maximum five years and this would be the fourth year; and

WHEREAS, the Township is very satisfied with the services received by Summit Ad Group and the vendor is willing to extend the contract at the same contract amount;

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

- That the contract awarded by resolution adopted on August 12, 2003 awarding competitive bids for the Design and Print of Newsletter for the period August 2003 to July 2004; extended on May 25, 2004 for the period of August 2004 to July 2005 and

extended on June 14, 2005 for the period of August, 2005 to July, 2006 be further extended for the period of August 2006 to July 2007 to:

**Summit Ad Group
1248 Route 22
Mountainside, NJ 07092
\$34,000.00**

in an amount not to exceed

- 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;
- 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.
- That the Mayor and Township Clerk be and the same are hereby authorized to enter into a contract with the above listed company.
- The Township Clerk shall publish notice of the award as required by law.

Resolution #06-318 Award Historic Preservation Grant – The Meadows Foundation – Restoration Work at Tulipwood House – Hamilton Street – Grant Amount: \$114,800.00.

WHEREAS, in FY2006, the Township of Franklin has budgeted \$140,000 from the Open Space Trust Fund for the purpose of providing a grant for historical preservation; and

WHEREAS, the Open Space Advisory Committee has established a grant program for the purpose of awarding a historical grant; and

WHEREAS, the Meadows Foundation has applied for said grant in the amount of \$114,800.00; and

WHEREAS, the requested amount would be spent on a restoration project at the Tulipwood House as outlined in the grant application; and

WHEREAS, the Open Space Advisory Committee established a subcommittee comprised of members of the Open Space Advisory Committee and the Historic Preservation Commission to review the grant requests and the subcommittee met on two (2) occasions to review the grant request and recommended to the Open Space Advisory Committee awarding the above amount of \$114,800.00 toward a restoration project at the Tulipwood House; and

WHEREAS, the Open Space Advisory Committee adopted a resolution on June 20, 2006 that recommended to the Township Council that the FY2006 grant to the Meadows Foundation for a restoration project at the Tulipwood House shall be for a total of \$114,800.00;

NOW, THEREFORE, BE IT RESOLVED that the Township Council approves the FY2006 grant to the Meadows Foundation for a restoration project at the Tulipwood House in the amount of \$114,800.00.

Resolution #06-319 Discharge of Mortgage – Chhabria to Carressa Nelson – 23 Fisher Drive, 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 23 Fisher Drive, Franklin

Park, Block 34.02, Lot 16.03 C2815 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 #06-320 Award Somerset County Cooperative Bid – Allied Oil, LLC – Diesel Fuel for Township Vehicles & Board of Education Buses & Gas for Township Vehicles – July 1, 2006 to June 30, 2007 – Not to Exceed \$440,000.00.

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

VENDOR: **ALLIED OIL COMPANY**
215 Old Camplain Road
Hillsborough NJ 08844
 Somerset County CC-41-05 (Diesel Fuel)
 Somerset County CC-0906 (Gasoline)

ITEMS: **Diesel Fuel for Township Vehicles & Board of Education Buses**
 Gasoline for Township Vehicles

COST: **An amount not to exceed \$440,000.00**

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

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

Resolution #06-321 Reject Bids – Pole Building – Exceeded Budgeted Amount.

WHEREAS, bids were received on July 6, 2006 for a Pole Building; and

WHEREAS, one (1) bid was received and it exceeded the budgeted amount;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, Somerset County, New Jersey that the bids for a Pole Building be and are hereby rejected.

Resolution #06-322 Accept Letter of Resignation from Robert Spicuzzo from the Board of Adjustment, effective immediately.

BE IT AND IT IS HEREBY RESOLVED that the Township Council of the Township of Franklin, County of Somerset, New Jersey, does hereby accept the resignation of Robert Spicuzzo as a Regular Member of the Zoning Board of Adjustment, effective immediately.

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

Resolution #06-323 Authorize Issuance of Special Event Permit – Sharon Baptist Church – Church Picnic – July 22, 2006 – Inman Park – 2:30 p.m. to 6:30 p.m.

WHEREAS, a request has been received from Sharon Baptist Church for permission to have a Church Picnic on July 22, 2006 from 2:30 p.m. to 6:30 p.m. to be conducted at Inman Park; and,

WHEREAS, Sharon Baptist 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 Sharon Baptist Church for permission to have a Church Picnic on July 22, 2006 from 2:30 p.m. to 6:30 p.m. to be conducted at Inman Park, subject to compliance with the requirements of Township Officials, including but not limited to the Chief of Police and Director of Fire Prevention; and,

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

BE IT FURTHER RESOLVED that in accordance with Section 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 #06-324 Authorize Issuance o Special Event Permit – HRM SMIA Imam Council for Northeast – Cultural Show Exhibition – July 30, 2006 – Garden State Exhibition Center – 10:00 a.m. to 4:00 p.m.

WHEREAS, a request has been received from HRM SMIA Imam Council for Northeast for permission to have a Outdoor Cultural Show Exhibition on July 30, 2006 from 10:00 a.m. to 4:00 p.m. to be conducted at the Garden State Exhibition Center; 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 HRM SMIA Imam Council for Northeast for permission to have a Outdoor Cultural Show Exhibition on July 30, 2006 from 10:00 a.m. to 4:000 p.m. to be conducted at the Garden State Exhibition Center, subject to compliance with the requirements of Township Officials, including but not limited to the Chief of Police and Director of Fire Prevention.

Resolution #06-325 Award State Contract – Hertrich Fleet Services – Two (2) 2006 Chevrolet Silverado 1500 Pickup Trucks – Not to Exceed \$13,885.00 each.

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

VENDOR: **Hertrich Fleet Services**
695 Dupont Boulevard
Milford, DE 19963

State Contract No. A53136

ITEMS: Two (2) 2006 Chevrolet Silverado 1500 Pickup Trucks

COST: \$13,885.00 each

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.

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

RESOLUTIONS VOTED ON SEPARATELY

Resolution #06-326 - Authorize Release of Planning Review Escrows

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:	A.S. Builder LLC	
ADDRESS:	387 Spring Street Union, NJ 07083	
DOCKET NO.	PLN2002-0016	
BLOCK/LOT:	286/36-75; 286/31-35; 304/4	
LOCATION:	Viking Avenue	
AMOUNT DEPOSITED:	\$10,600.00 <CME>	\$1,900.00 <Heyer Gruel/Ritchie>
AMOUNT CHARGED:	<u>10,290.50</u>	<u>1,200.00</u>
AMOUNT TO BE REFUNDED:	\$ 309.50	\$ 700.00

Upon motion by Ms. Danile, seconded by Mr. Regan, the aforesaid 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>
Danile	Eberle		Ritchie	Ashley-Williams
Levine	McKenzie			
Regan	Sumter			
Vassanella				

ADJOURNMENT

Mr. Regan moved to adjourn the meeting at 9:58 p.m. Said motion was seconded by Mr. Sumter and carried unanimously upon call of the roll.

Approved: *As Amended.*

Brian D. Levine, Mayor

Date: *September 12, 2006*

Ann Marie McCarthy, Township Clerk