

**REGULAR MEETING OF THE TOWNSHIP COUNCIL  
TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, NEW JERSEY  
JUNE 10, 2004**

The Regular Meeting of the Township Council of the Township of Franklin, County of Somerset, New Jersey, held at 475 DeMott Lane, Somerset, was called to order by the Mayor at 8:11 p.m.

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

Everyone present participated in the Salute to the Flag and an invocation led by Councilwoman Danile.

**CALL TO ORDER**

Ms. Woodbury called the roll.

Present: Ms. Ashley-Williams, Ms. Danile, Ms. Eberle, Mayor Levine, Deputy Mayor McKenzie, Mr. Sumter, Mr. Unger.

Absent: Mr. Chivukula, Mr. Regan

Also Present: Louis N. Rainone, Esq., Township Attorney; Donna Vieiro, Assistant Township Manager; Virginia Woodbury, Ann Marie McCarthy, RMC, CMC, Township Clerk (arrived at 8:45 p.m.)

Mayor Levine made the usual meeting announcements.

**PROCLAMATION  
*Honoring Ronald W. Reagan***

Mayor Levine presented the following proclamation which was read by Mr. Unger:

**WHEREAS**, Ronald W. Reagan served as Governor of California and as the 40<sup>th</sup> President of the United States; and

**WHEREAS**, President Reagan's optimism, strength, humility and humor provided inspiration to Americans during a difficult time in this country's history; and

**WHEREAS**, President Reagan inspired us with his unshakeable faith in the values of our country; and

**WHEREAS**, President Reagan's patriotism, faith, courage and dignity are an enduring example for all citizens; and

**WHEREAS**, it is right and proper for the Township of Franklin to mourn the passing and honor the memory of President Reagan;

**NOW, THEREFORE, I, BRIAN D. LEVINE, MAYOR** of the Township of Franklin do hereby proclaim Friday, June 11, 2004 as a **DAY TO MOURN AND HONOR RONALD W. REAGAN, 40<sup>TH</sup> PRESIDENT OF THE UNITED STATES**, in the Township of Franklin, and do hereby direct that the flag of the United States be flown at half mast at all municipal offices on that day, in recognition and mourning of the passing of President Ronald W. Reagan.

Mayor Levine announced that he would be presenting a proclamation on Monday, June 14<sup>th</sup> to Rabbi David Wise commending him on his election as President of the New Jersey Region of the Rabbinical Assembly.

## APPROVAL OF MINUTES

Upon motion by Deputy Mayor McKenzie and seconded by Mr. Sumter, the May 25, 2004 Regular Meeting and June 1, 2004 minutes were approved, as submitted, unanimously upon voice vote.

## WARRANTS

Read by Mayor Levine:

1	Current	9,263,012.90
5	Water Operating	111,093.09
6	Water Capital	108,964.73
4	General Capital	336,071.59
15	General Trust	1,334.35
18	Self Insurance Trust	
21	Recreation Trust	2,093.85
12	Open Space Trust	2,279.42
2	Grant	1,187.84
3	Collector Trust	96,312.86
14	Dog Revenue	329.40
22	Payroll	330,936.55
13	Redevelopment Agency	45.00
23	Agency	346,116.94
	SUB-TOTAL	10,599,778.52
	Escrow Account	88,261.87
	GRAND TOTAL	\$10,688,040.39

Motion was made by Deputy Mayor McKenzie and seconded by Mr. Sumter to approve the Warrants.

Ms. Ashley-Williams reiterated her request that more information be presented on the warrants list. She expressed her concern that there are many vouchers dated 2001 and other years. She asked why the Township is late in paying these bills. Ms. Vieiro replied that the requisition is prepared for service and they cannot be paid until work is done and invoice is received. Ms. Ashley-Williams requested backup information to explain what the bills are for and a description of the account codes. Mayor Levine suggested this be scheduled for discussion at the next Financial Oversight Committee meeting.

Ms. Woodbury polled the Mayor and Council, the vote carried as follows:

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

## ORDINANCES, PUBLIC HEARING

### Ordinance No. 3464

Mayor Levine offered the following ordinance:

**AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY AUTHORIZING ACCEPTANCE FROM THE RENAISSANCE AT FRANKLIN (RENAISSANCE AT RARITAN VALLEY) OF TWO (2) WATER LINE EASEMENTS; ELEVEN (11) UTILITY EASEMENTS; NINE (9) SIGHT EASEMENTS; TWO (2) BICYCLE PATH**

**EASEMENTS; EIGHT (8) DRAINAGE EASEMENTS; ONE (1) RIGHT-OF-WAY AND TWO (2) CONSERVATION EASEMENTS.**

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

A motion was made by Deputy Mayor McKenzie to open the public hearing on the aforesaid ordinance. Said motion was seconded by Ms. Ashley-Williams and carried unanimously upon voice vote.

Courtney Throckmorton, 591 Somerset Street, asked for clarification of the easements. Mr. Rainone replied this development was approved and as part of the approval were required to give the Township these easements. Mayor Levine clarified these easements are in conjunction with water lines and utilities to allow Township access.

There being no comments from the public, a motion was made by Mr. Sumter to close the public hearing on the aforesaid ordinance. Said motion was seconded by Deputy Mayor McKenzie and carried unanimously upon voice vote.

A motion was made by Deputy Mayor McKenzie to adopt the ordinance on final passage and publication in accordance with law. Said motion was seconded by Ms. Eberle and carried as follows upon call of the roll:

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

**Ordinance No. 3465**

Mayor Levine offered the following ordinance:

**AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 112, DEVELOPMENT - SECTION 32.04, RENAISSANCE 2000 REDEVELOPMENT PLAN.**

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

A motion was made by Deputy Mayor McKenzie to open the public hearing on the aforesaid ordinance. Said motion was seconded by Mr. Sumter and carried unanimously upon voice vote.

John McConville, 5 Stone Leigh Way, reiterated street names be placed on agenda. He asked where is Block 123. Mayor Levine replied it is in the Renaissance Area before Franklin Boulevard. He asked if the type of zoning names. Mr. Rainone replied they are specific to the Renaissance Area.

Courtney Throckmorton, 591 Somerset Street, asked when the zoning was proposed to be changed, were the property owners in Block 123 notified and were they asked to be involved in the process. Mr. Rainone replied that all the affected property owners in Block 123 and within 200 feet of Block 123 received notice of this meeting by certified mail.

Shima Ali, 58 Gurley Street, stated he lives in Block 121 which is within 200 feet of Block 123. He asked why type of project is going to be installed in Block 123; what will it do for the neighborhood and how will that affect him and his family. Mayor Levine replied that the CDC would be putting in a supermarket on that piece and there will be other commercial retail stores placed in the area. Mr. Ali asked what will happen to those residences around this block. Ms. Ashley-Williams recommended that he attend the Redevelopment Agency meeting on June 21, 2004 at 7:00 p.m. to get more specific answers to his questions.

Francine Certo, 63 Berry Street, asked what is going to be built there. She asked if it was going to be a supermarket. Mayor Levine replied in the affirmative. She asked if her taxes would be increasing because she would be in a commercial zone. Ms. Ashley-Williams recommended that these questions be addressed at the Redevelopment Agency. Ms. Certo stated she would like answers this evening since Council would be voting on this ordinance tonight. Ms. Certo stated she moved here a year ago and was never told of any residential infill or redevelopment. She stated that she now wonders if her home is going to be bought out. This ordinance is impacting people's quality of life in this area. She asked what is going to be done for the people in the area. She requested that eminent domain authority be removed from the Redevelopment Agency. She opposed the ordinance. Mayor Levine stated the Council recognizes that the quality of life is important. She asked how the supermarket is going to be built without taking homes away.

Joanna St. Rose, 45 Blair Avenue, stated that she needs to know if Block 123 is going to affect her property. Mayor Levine stated that the ordinance does not take property away. Ms. Ashley-Williams clarified that the rezoning of Block 123 to Gateway Commercial provides for the additional parking and to provide for truck traffic for the supermarket. The supermarket will not be located on only Block 123. Ms. Ashley-Williams stated that these questions can be answered at the Redevelopment Agency meeting. Ms. St. Rose asked if Council could delay voting on this ordinance until after the Redevelopment Agency meeting. Ms. Ashley-Williams replied that Council could consider delaying the vote. She stated that she did not know that her home was in a redevelopment area until five (5) months after she purchased her home.

Mary Berry, 31 Camner Avenue, stated she lives in Block 123 and asked what is she going to do. She stated that she bought her home as an investment and it is not fair that she will have to leave. Ms. Ashley-Williams asked if anyone from the Gateway Project has contacted her. Ms. Berry replied in the negative.

Ms. Danile asked how many people received notification of the meeting and when did they receive it. Ms. Berry stated she picked up her notice today. Mr. Sumter stated that he doesn't understand why these people have not been contacted by the Gateway Project. Ms. Ashley-Williams recommended to table the ordinance.

Ms. Berry expressed her opposition to the ordinance and the redevelopment of her neighborhood.

Township Clerk Ann Marie McCarthy arrived at the meeting at 8:45 p.m.

Philip Kramer, 429 Canal Road, TUF, expressed his concerns that Council was unable to answer questions, but ready to vote.

Ms. Danile expressed her concerns of the miscommunications and lack of communication regarding this ordinance. She recommended the 200 foot notice requirement may need to be increased as well as the time frame the notices are sent out. Ms. Danile suggested it may be best to defer adoption of this ordinance for another meeting.

Mr. Kramer thanked Council for responding to the public's questions. He suggested Council take the time to study their packets so they are informed enough to make decisions.

Jim Gaines, stated it is discouraging to see the changes being made without the knowledge of the people that would be affected.

There being no further comments from the public, a motion was made by Deputy Mayor McKenzie to close the public hearing on the aforesaid ordinance. Said motion was seconded by Mr. Sumter and carried unanimously upon voice vote.

A motion was made by Ms. Ashley-Williams to table the adoption of Ordinance No. 3465 until the next meeting and to discuss the ordinance more thoroughly at the July 6<sup>th</sup> work session. 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			Chivukula
Eberle	Levine			Regan
McKenzie	Sumter			
Unger				

### PUBLIC DISCUSSION

A motion was made by Mr. Sumter and seconded by Mr. Unger to open the meeting to the public. Said motion carried unanimously upon voice vote.

Mayor Levine announced that the meeting is opened for public discussion on any item of interest, which does have a public hearing of its own. He asked if anyone was interested to speak through the chair and when recognized to give his or her name and address to the Township Clerk. Mayor Levine instructed that each speaker would be allowed five minutes.

Jean Pellicane, 48 Irvington Avenue, asked if the Foodbank was included in the FY2004 Community Development Block Grant Program Action Plan and if so, how much would be allocated to them. Mr. Daly replied that the Foodbank was included. Ms. McCarthy replied that the Foodbank would be receiving \$20,000.00.

Courtney Throckmorton, 591 Somerset Street, welcomed Ms. Danile to Council. He asked the Township Attorney if proper notice was given of Ordinance No. 3465. Mr. Rainone replied in the affirmative. Mr. Throckmorton expressed his strong opposition to redevelopment.

Dana Woods, 10 Bennetts Lane, expressed his opposition to the redevelopment of Bennetts Lane area.

Doris Bennett, 62 Bennetts Lane, asked Council to reconsider redeveloping the Bennetts Lane area. She stated the only eyesore in the area is the property owned by Jack Morris. She stated the resolution is not needed and it is not for the public good.

John Haberstein, 42 Cedarbrook Drive, stated he came before Council in February requesting help from the Township regarding problems that have occurred since his underground storage tank leaked and contaminated his well and the contractor smashed his home with a backhoe. He stated that he has not received help, but has received summonses. He stated he was insulted by the Building Department and Engineering Department reports. He asked for help from the Township. Mayor Levine instructed the Assistant Township Manager to follow up on this matter tomorrow.

John McConville, 5 Stone Leigh Way, asked for clarification of the public contracts reform ordinance amendment. Mayor Levine replied that it is an ordinance amending the pay for play ordinance adopted last year to include contributions to county political organizations.

Mr. McConville asked if there was any more money for the Veterans Memorial. Mr. Unger replied that \$40,000 has been raised and is more than enough.

Mr. McConville expressed his confusion of Council's intent of open space. He is unsure if Council wants to retain open space to stop development or continue to develop. He stated Council is sending out mixed signs.

Philip Kramer, 429 Canal Road, TUF, asked if the public could attend the sign ordinance subcommittee meeting. Mr. Rainone replied it is a meeting with some members of Council, the attorney and staff members. It is not opened to the public. Mr. Rainone stated that the Council members on the subcommittee would report to Council at a public meeting their recommendations.

Mr. Kramer expressed his views on the pay to play ordinance and suggested the Township Attorney recuse himself from advising Council on this matter since his law firm contributed to the County Democratic Organization. Mr. Rainone disagreed because the ordinance pertains to all attorneys not just him.

Ken Koping, 43 Bennetts Lane, opposed the proposed development in the Bennetts Lane area. He asked Council to stop before money is spent and time is wasted. He stated Route 27 couldn't handle any additional traffic. He stated this area is not blighted, it is farmland.

Shirley Pietrucha, 49 9<sup>th</sup> Street, commended Ms. Vieiro for doing a fine job in the absence of the Township Manager. Ms. Pietrucha asked what the cost would be for the study of the Bennetts Lane area. She asked that it be removed from the consent agenda and voted on separately. Ms. Ashley-Williams replied that the cost of the study is not known at this time.

Francine Certo, 73 Berry Street, asked what makes an area in need of redevelopment and who decides. Mr. Rainone replied Council authorizes the Planning Board Study and the Planning Board determines if the area meets the 13 criteria required by State Statute. The Planning Board makes its recommendation to Council and it is Council who decides to designate area a redevelopment area.

Ms. Certo questioned the term "blighted". Mr. Rainone replied blighted area is a term that has been changed to area in need of redevelopment/rehabilitation.

Ms. Certo presented photographs of homes in the area that are in deplorable condition. She stated the Zoning Office is not doing their job. She stated that something needs to be done. Mr. Sumter agreed.

James Vassanella, 39 Austin Avenue, expressed his amazement of how things are voted on by Council. He recommended that more visual presentations be made because pictures don't lie.

Mr. Vassanella asked who prepared the amendments to the sign ordinance. Mayor Levine and Mr. Rainone replied staff prepared the amendments.

Allan Morlock, 54 Bennetts Lane, emphasized traffic impact on Route 27 if Bennetts Lane area was designated a redevelopment area. He stated there are many wetland concerns to be addressed. He opposed designation of redevelopment area on Bennetts Lane.

Joyce Zaborowski, 4 Pucillo Lane, expressed confusion regarding the sign ordinance amendments. She asked why the Hamilton Street Farmer's Market signs are allowed on Township property. Ms. Vieiro stated she would forward the answer to Ms. Zaborowski.

John McConville, 5 Stone Leigh Way, reminded Council that this area was looked into for the high school and wetlands became an issue. He agreed with Ms. Pietrucha's request to vote on the resolution separately.

Doris Bennett, 62 Bennetts Lane, stated that she remembers report regarding wetlands when the high school was being considered to be built there.

## COUNCIL COMMENTS

Mr. Unger thanked Ms. Vieiro for resolving a difficult problem this week.

Ms. Danile agreed that Council should understand the area visually. She stated that she has been riding around town looking at areas that Council has issues with. She stated she appreciated comments from the public.

Ms. Eberle commended the Public Relations Committee and the Franklin Times for a job well done.

Ms. Ashley-Williams agreed with Ms. Danile. She noted that she lived on Susan Drive for many years and knows the area very well. She stated she enjoys Bennetts Lane as is. She stated Council is not heartless or closed minded.

Mr. Sumter stated that some statements regarding the Redevelopment Agency are untrue. He stated there are many blighted buildings in the area and the area needed to be designated a redevelopment area.

Deputy Mayor McKenzie congratulated the Franklin Township Fire Departments who won awards at Manville's 75<sup>th</sup> Anniversary Parade.

Deputy Mayor McKenzie stated he was disappointed that the Renaissance Economic Development Corporation did not notify everyone and they need to make sure that everyone in the area has been notified and all individuals spoken with.

Mayor Levine stated the resolution authorizing the Planning Board study does not mean that the area will be designated a redevelopment area. The Planning Board send their recommendations to Council and it will be up to Council to act upon them or not.

Mayor Levine announced that Monday, June 14<sup>th</sup> is Flag Day.

Mayor Levine announced the two candidates for the unexpired Ward 2 Council Seat as Shirley Pietrucha and Teresa Danile. He noted both are CPAs.

## INTRODUCTION OF ORDINANCES

### Ordinance No. 3473

Mayor Levine offered the following ordinance:

**AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY, MORE PARTICULARLY AMENDING ORDINANCE NO. 3405, ESTABLISHING CONTRACTING REFORM IN THE TOWNSHIP OF FRANKLIN – PHOHIBIT AWARING PUBLIC CONTRACTS TO CERTAIN CONTRIBUTORS.** which is presented to the Township Council for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on July 13, 1004.

Mayor Levine explained that this ordinance amends last year's ordinance which excluded contributions made to county political organizations. He stated that he feels this ordinance provides integrity to Council and would increase the confidence of the public with Council.

Deputy Mayor McKenzie suggested that they wait until the State adopts their public contract reform. He recommended the ordinance be tabled until the State adopts their public contract reform.

Ms. Ashley-Williams agreed that they should wait to see what the State does since municipalities abide by State laws.

A motion was made by Deputy Mayor McKenzie, seconded by Ms. Ashley-Williams to table the ordinance until the State adopts their version of public contract reform and to schedule introduction for the August 10, 2004 meeting. Said motion 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		Chivukula
Eberle	McKenzie	Unger		Regan
Sumter				

Ordinance No. 3474

Mayor Levine offered the following ordinance:

**BOND ORDINANCE PROVIDING FOR THE CONSTRUCTION AND INSTALLATION OF A VETERANS MEMORIAL IN AND BY THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$209,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$199,047 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COSTS THEREOF** which is presented to the Township Council for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on July 13, 2004.

The aforesaid ordinance was moved by Deputy Mayor McKenzie and seconded by Mr. Unger.

Mr. Unger reported the drawings will be completed by the end of the month. He stated that his daughter is providing services without charge with in-house work also being done. He stated the Township will be saving over \$100,000.00.

Said motion 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			Chivukula
Eberle	Levine			Regan
McKenzie	Sumter			
Unger				

Ordinance No. 3475

Mayor Levine offered the following ordinance:

**AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY AMENDING ORDINANCE NO. 3402 AND AUTHORIZING ACCEPTANCE FROM PULTE COMMUNITIES N.J. THREE (3) WATER MAIN EASEMENTS AND ONE (1) SIGHT TRIANGLE EASEMENT** which is presented to the Township Council for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on July 13, 2004.

The aforesaid ordinance was moved by Mr. Sumter and seconded by Ms. Eberle. Said motion 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			Chivukula
Eberle	Levine			Regan
McKenzie	Sumter			
Unger				

**CONSENT AGENDA**

Upon motion by Deputy Mayor McKenzie, seconded by Ms. Ashley-Williams, the following Consent Agenda Items (remove h, q; t-x; y-bb & vote on separately: k & p) were adopted as follows upon call of the roll:

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

**Resolution #04-262** Approving the Fiscal Year 2004 Community Development Block Grant Program Action Plan in the amount of \$388,000.

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 2004 Community Development Block Grant in the estimated amount of Three Hundred Eighty Eight Thousand Dollars (\$388,000);

WHEREAS, the Township can budget a total of Three Hundred Eighty Eight Thousand Dollars (\$388,000) for eligible activities to Fiscal Year 2004;

WHEREAS, Public Hearings were held on January 13, 2004 and March 23, 2004 to provide citizen participation in the development of the Action Plan for Fiscal Year 2004;

**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 2004 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 Eighty Eight Thousand Dollars (\$388,000), which the U.S. Department of Housing and Urban Development has indicated it is willing to make available to carry out the Community Development Program, and act as authorized representative of the Township of Franklin.

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.

**Resolution #04-263** Authorizing Submission of the Year 2005 Municipal Alliance Grant in the amount of \$45,379 with a required match of 25% cash and 75% in-kind services.

**WHEREAS**, the County of Somerset has prepared a grant application which would provide \$45,379 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 \$34,034 in in-kind services and a 25% cash match of \$11,345 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 #04-264** Authorizing Submission of 2004 Somerset County Annual Grant Application in the amount of \$1,000 for Kids Canteen.

**BE IT AND IT IS HEREBY RESOLVED** that the Township Council of the Township of Franklin, County of Somerset, State of New Jersey does hereby authorize the submission of a grant application to the Somerset Youth Service Commission Annual Grant Program to apply for funds for the following:

1. \$1,000 for the Kids Canteen

and does authorize the appropriate Township officials to execute these grant applications on its behalf

**Resolution #04-265** Authorizing the establishment of bus stops along Route 27 in Franklin Township.

**BE IT RESOLVED** by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that it concurs with the New Jersey Department of Transportation's recommendation and the following bus stops are hereby established:

**Along Route NJ 27, southbound (westerly side):**

**Near Side Bus Stops:**

Juliet Avenue

Beginning at the northerly curb line of Juliet Avenue and extending 105 feet northerly therefrom.

Millstone Road

Beginning at the northerly curb line of Millstone Road and extending 105 feet northerly therefrom.

Bennetts Lane

Beginning at the northerly curb line of Bennetts Lane and extending 105 feet northerly therefrom.

Cozzens Lane

Beginning at the prolongation of the northerly curb line of Cozzens Lane and extending 105 feet northerly therefrom.

Bennington Parkway

Beginning at the northerly curb line of Bennington Parkway and extending 105 feet northerly therefrom.

Raymond Road

Beginning at the prolongation of the northerly curb line of Raymond Road and extending 105 feet northerly therefrom.

**Far Side Bus Stops:**

Henry Street

Beginning at the southerly curb line of Henry Street and extending 100 feet southerly therefrom.

Industrial Drive

Beginning at the prolongation of the southerly curb line of Industrial Drive and extending 100 feet southerly therefrom.

Hampton Road

Beginning at the prolongation of the southerly curb line of Hampton Road and extending 100 feet southerly therefrom.

Kingsberry Drive

Beginning at the southerly curb line of Kingsberry Drive and extending 100 feet southerly therefrom.

Rolling Hills Drive

Beginning at the southerly curb line of Rolling Hills Drive and extending 100 feet southerly therefrom.

Hidden Lake Drive

Beginning at the prolongation of the southerly curb line of Hidden Lake Drive and extending 100 feet southerly therefrom.

Ruth Road

Beginning at the prolongation of the southerly curb line of Ruth Road and extending 100 feet southerly therefrom.

Cortelyous Lane

Beginning at the southerly curb line of Cortelyous Lane and extending 100 feet southerly therefrom.

Holland Drive

Beginning at the southerly curb line of Holland Drive and extending 100 feet southerly therefrom.

Westminster Road

Beginning at the southerly curb line of Westminster Road and extending 100 feet southerly therefrom.

Thomas Avenue

Beginning at the prolongation of the southerly curb line of Thomas Avenue and extending 100 feet southerly therefrom.

Delar Parkway

Beginning at the southerly curb line of Delar Parkway and extending 100 feet southerly therefrom.

#### Beekman Road

Beginning at the prolongation of the southerly curb line of Beekman Road and extending 100 feet southerly therefrom.

#### South Middlebush Road

Beginning at the southerly curb line of South Middlebush Road and extending 100 feet southerly therefrom.

#### Bunker Hill Road

Beginning at the southerly curb line of Bunker Hill Road and extending 100 feet southerly therefrom.

#### Goldstar Drive

Beginning at the southerly curb line of Goldstar Drive and extending 100 feet southerly therefrom. (NJT Shelter)

#### Princeton Highlands Boulevard

Beginning at the southerly curb line of the Princeton Highlands Boulevard and extending 100 feet southerly therefrom. (NJT Shelter)

#### Jones Drive

Beginning at the prolongation of the southerly curb line of Jones Drive and extending 100 feet southerly therefrom.

#### Kingston Terrace

Beginning at the prolongation of the southerly curb line of the Kingston Terrace and extending 100 feet southerly therefrom.

#### **Mid-Block Bus Stops:**

##### Between Veronica Avenue and Bennetts Lane

Beginning 900 feet south of the southerly curb line of Veronica Avenue and extending 135 feet southerly therefrom.

##### Between Sinclair Boulevard and Kingsberry Drive

Beginning 200 feet south of the southerly curb line of Sinclair Boulevard and extending 135 feet southerly therefrom.

##### Between Masonia Drive and Carlisle Road

Beginning 120 feet south of the prolongation of the southerly curb line of Masonia Drive and extending 135 feet southerly therefrom.

##### Between Stewart Avenue and Delar Parkway

Beginning 185 feet south of the southerly curb line of Stewart Avenue and extending 135 feet southerly therefrom.

##### Between Roberts Street and Stillwell Road

Beginning 500 feet south of the prolongation of the southerly curb line of Roberts Street and extending 135 feet southerly therefrom.

##### Between South Middlebush Road and Bunker Hill Road

Beginning 835 feet south of the southerly curb line of South Middlebush Road and extending 135 feet southerly therefrom. (in front of the Stop & Shop)

##### Between Stanworth Road and Bunker Hill Road

Beginning 435 feet south of the prolongation of the southerly curb line of Stanworth Road and extending 135 feet southerly therefrom.

Between County Route #518 and Old Road North  
Beginning 190 feet south of the southerly curb line of County Route #518 and extending 135 feet southerly therefrom.

Between Old Road North and Old Road South  
Beginning 200 feet south of the prolongation of the southerly curb line of the Old North Road and extending 135 feet southerly therefrom.

Between Old Road North and Old Road South  
Beginning 3600 feet south of the prolongation of the southerly curb line of Old North Road and extending 135 feet southerly therefrom. (in front of the Just Because Flower Shop).

Between Old Road North and Old Road South  
Beginning 4000 feet south of the prolongation of the southerly curb line of Old North Road and extending 135 feet southerly therefrom. (in front of Baumley Nursery Building 4271)

Between Promenade Boulevard and Raymond Road  
Beginning 1420 feet south of the prolongation of the southerly curb line of Promenade Boulevard and extending 135 feet southerly therefrom. (in front of Kingston Mall).

**BE IT FURTHER RESOLVED** that a certified copy of this resolutions be forwarded to the New Jersey Department of Transportation.

**Resolution #04-266** Authorize Release of Plan/Building Review/Inspection Fees.

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

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

**APPLICANT: US HOME CORPORATION  
BRIAR MANOR AT SOMERSET**

ADDRESS: 800 West Main Street  
Freehold NJ 07728  
DOCKET NO: P94021SF Inspection Fee  
BLOCK/LOT: 84/2.09, 4 & 36  
LOCATION: Off South Middlebush Road  
AMOUNT DEPOSITED: \$15,000.00  
AMOUNT CHARGED: 14,227.00  
AMOUNT TO BE REFUNDED: \$ 773.00

**APPLICANT: PSE&G**

ADDRESS: 80 Park Place  
Newark NJ 071102-4194  
DOCKET NO: PLN2002-0099 Inspection Fee  
BLOCK/LOT: 517.05/35.13  
LOCATION: Pierce & Belmont  
AMOUNT DEPOSITED: \$ 3,000.00  
AMOUNT CHARGED: 975.00  
AMOUNT TO BE REFUNDED: \$ 2,025.00

**APPLICANT: PSE&G**

ADDRESS: 80 Park Place  
 Newark NJ 071102-4194  
 DOCKET NO: PLN2002-0099 Plan Review  
 BLOCK/LOT: 517.05/35.13  
 LOCATION: Pierce & Belmont  
 AMOUNT DEPOSITED: \$ 2,250.00 In-House \$750.00 Ritchie  
 AMOUNT CHARGED: 80.00 500.00  
 AMOUNT TO BE REFUNDED: \$ 2,170.00 \$250.00

**APPLICANT: LANFRIT HOLDING CO. LLC**

ADDRESS: 428 Elizabeth Avenue  
 Somerset, NJ 08873  
 DOCKET NO: P97043PD Inspection Fee  
 BLOCK/LOT: 523.03/13-28  
 LOCATION: 428 Elizabeth Avenue  
 AMOUNT DEPOSITED: \$ 4,056.00  
 AMOUNT CHARGED: 700.00  
 AMOUNT TO BE REFUNDED: \$ 3,356.00

**APPLICANT: EASTERN HILL, LLC (Paddock Estates)**

ADDRESS: 1065 Route 22 West  
 Bridgewater, NJ 08807  
 DOCKET NO: PLN2001-0023 Planning Review  
 BLOCK/LOT: 423.01/17.01  
 LOCATION: Wilson Road  
 AMOUNT DEPOSITED: \$ 10,000.00  
 AMOUNT CHARGED: 7,874.75  
 AMOUNT TO BE REFUNDED: \$ 2,125.25

**APPLICANT: KF SCHOOLHOUSE, LLC**

ADDRESS: 520 US Highway 22  
 Bridgewater, NJ 08807  
 DOCKET NO: PLN2002-0022 Plan Review  
 BLOCK/LOT: 514/6.03  
 LOCATION: 80 Schoolhouse Road  
 AMOUNT DEPOSITED: \$ 2,500.00 Heyer \$10,000.00 Schoor DePalma  
 AMOUNT CHARGED: 1,100.00 2,246.50  
 AMOUNT TO BE REFUNDED: \$ 1,400.00 \$ 7,753.50

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the remaining escrow monies be returned to the above named applicant; and

**BE IT FURTHER RESOLVED** that the Chief Financial Officer be and is hereby directed to refund the escrow amounts herein.

**Resolution #04-267** Authorize Release of Performance Guarantee for Public Service Electric & Gas – Docket #PLN2002-0099 in the amount of \$120,000.00.

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

ITEM: PERFORMANCE BOND  
 NAME OF APPLICANT: PUBLIC SERVICE ELECTRIC & GAS COMPANY  
 ADDRESS OF APPLICANT: 80 Park Place

Newark NJ 07102-4194  
 NUMBER: SUI003030  
 INSURANCE CO./BANK: American Motorists Insurance Company  
 510 Heron Drive, Suite 205 Bridgeport NJ 08014  
 IN THE AMOUNT OF: \$120,000.00

FOR: Site Improvements for Docket No. PLN2002-0099 - Block 517.05/Lot 35.13, Pierce Street & Belmont Drive; and

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

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

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

**Resolution #04-268** 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:

<b>Date of Sale:</b>	June 10, 2003
<b>Block/Lot:</b>	34.07/16.07 C0021
<b>Name &amp; Address:</b>	Fadia, Alpesh & Sheetal 69 Chelsea Drive Franklin Park NJ 08823
<b>Amount:</b>	\$1,466.95
<b>Make Check Payable To:</b>	Sequoia Investments PO Box 5600 Woodbridge NJ 07095
<b>Certificate No.:</b>	03-031
<b>Payment Received:</b>	May 11, 2004
<b>Date of Sale:</b>	June 10, 2003
<b>Block/Lot:</b>	156/21.01
<b>Name &amp; Address:</b>	Guzman, Waldo et al. 17 Ray Street Somerset NJ 08873
<b>Amount:</b>	\$2,153.76
<b>Make Check Payable To:</b>	Eva Chin 3440 Lehigh, Room 224 Allentown PA 18103
<b>Certificate No.:</b>	03-095
<b>Payment Received:</b>	May 11, 2004
<b>Date of Sale:</b>	June 10, 2003

**Block/Lot:** 166/11  
**Name & Address:** Meister, Scott R.  
 2 South Dover Avenue  
 Somerset NJ 08873  
**Amount:** \$23,217.64  
**Make Check Payable To:** Crusader Servicing Corporation  
 179 Washington Lane Jenkintown Pa 19046  
**Certificate No.:** 03-098  
**Payment Received:** May 11, 2004

**Date of Sale:** June 10, 2003  
**Block/Lot:** 190/21  
**Name & Address:** Rodriguez & Lopez  
 38 Hawthorne Drive  
 Somerset NJ08873  
**Amount:** \$348.66  
**Make Check Payable To:** Michael Mastellone  
 PO Box 109 Cedar Knolls NJ 07927  
**Certificate No.:** 03-117  
**Payment Received:** May 11, 2004

**Date of Sale:** June 10, 2003  
**Block/Lot:** 221/2  
**Name & Address:** Mullings, Elma M.  
 60 Stuyvesant Avenue  
 Somerset NJ 08873  
**Amount:** \$269.27  
**Make Check Payable To:** James Pilewski  
 3 Devon Lane Warren NJ 07059  
**Certificate No.:** 03-136  
**Payment Received:** May 11, 2004

**Date of Sale:** June 10, 2003  
**Block/Lot:** 227/51  
**Name & Address:** Small, Ruby L.  
 449 Lewis Street  
 Somerset NJ 08873  
**Amount:** \$3,751.20  
**Make Check Payable To:** Michael Mastellone  
 PO Box 109 Cedar Knolls NJ 07927  
**Certificate No.:** 03-142  
**Payment Received:** May 11, 2004

**Date of Sale:** June 10, 2003  
**Block/Lot:** 362/19  
**Name & Address:** Brice, Janet R.  
 81 Drake Road  
 Somerset NJ 08873  
**Amount:** \$1,224.85  
**Make Check Payable To:** James C. Older  
 87 East Mountain Road Hillsborough NJ 08844  
**Certificate No.:** 03-187  
**Payment Received:** May 11, 2004

**Date of Sale:** June 8, 2000  
**Block/Lot:** 395/9  
**Name & Address:** Hawkins, Hary Jr.  
 3 Summerall Road

Somerset NJ  
**Amount:** \$619.41  
**Make Check Payable To:** Strategic Lien Services  
 PO Box 37 Annandale NJ 08801  
**Certificate No.:** 20-48  
**Payment Received:** May 17, 2004

**Resolution #04-270** Authorize Tax Remittals

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

<u>YEAR</u>	<u>BLOCK/LOT</u>	<u>NAME</u>	<u>REASON</u>	<u>AMOUNT</u>
2003	514/52	Township of Franklin	EXEMPT	\$1,851.21
2004		Board of Education	High School	\$1,883.53

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

**Resolution #04-271** Authorize Refund of Tax Overpayments

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

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

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

<u>BLOCK/LOT</u>	<u>NAME/ADDRESS</u>	<u>QTR/YR</u>	<u>AMOUNT</u>
417.13/301C000	PAVLISKO, GRACE	'3/04	125.00
7	7 HENLEY DRIVE		
move to 4 <sup>th</sup> qtr	SOMERSET, NJ 08873		
2003			
4.17.02/348	NICHOLSON, REGINA	'3/04	250.00
move to 4 <sup>th</sup> qtr	348 COTSWOLD PLACE		
2003	SOMERSET, NJ 08873		
440/5	LAYTON, SUSAN	'3/04	2,734.04
move to	110 WALNUT AVENUE		
448/1.12 Bank	SOMERSET, NJ 08873		
paying on old			
address			

**Resolution #04-273** Award Professional Services Agreement to Hewson Enterprises Inc. in the amount of \$25,000 for demolition and building services.

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, a copy of which certification is attached hereto, that funds are available; and

WHEREAS, that continuation of the terms of this contract beyond June 30, 2004 is contingent upon availability of funds in the 2005 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 attached certificate of the Chief Financial Officer and is satisfied that said certificate is in proper form; and

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

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

- (1) The Mayor and Township Clerk are hereby authorized and directed to execute the below referenced agreement with the below stated vendors, which agreements shall be maintained on file with the Township Clerk and available for public inspection.
- (2) These agreements are awarded without competitive bidding as a "PROFESSIONAL SERVICE" under the provisions of the Local Public Contracts Law because they are 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.

<b>VENDOR:</b>	<b>HEWSON ENTERPRISES INC.</b>
<b>ADDRESS:</b>	<b>601 North Avenue</b>
	<b>Plainfield, NJ 07060</b>
<b>SERVICE:</b>	<b>Demolition &amp; Building Services</b>
<b>CONTRACT AMOUNT:</b>	<b>\$25,000.00</b>

**Resolution #04-274** Accepting the resignation of Zoning Board of Adjustment Alternate No. 2 Liadi Belo-Osagie, 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, with regrets, the resignation of Liadi Belo-Osagie as Alternate No. 2 of the Zoning Board of Adjustment effective immediately; and

**BE IT FURTHER RESOLVED** that the Township Council does hereby thank and commend the said Liadi Belo-Osagie for services performed on behalf of said Township.

**Resolution #04-275** Accepting the resignation of Michael Orsini as Planning Board Member to the Open Space Advisory Committee effective upon his appointment as Shade Tree Commission Member to the Open Space Advisory Committee.

**BE IT AND IT IS HEREBY RESOLVED** that the Township Council of the Township of Franklin, County of Somerset, New Jersey, does hereby accept, with regrets, the resignation of

Michael Orsini as Planning Board Member to the Open Space Advisory Committee effective at his appointment as Shade Tree Commission Member to the Open Space Advisory Committee.

**Resolution #04-276** Authorizing the sale of plenary Retail consumption and distribution licenses each with a minimum bid of \$300,000.00.

**WHEREAS**, NJSA 33:1-12.14 provides that no new Plenary Retail Consumption License shall be issued in a municipality unless and until the number of such licenses existing in the municipality is fewer the one (1) for each 3,000 of its population as shown on the last preceding Federal Census; and

**WHEREAS**, NJSA 33:1-12.14 provides that no new Plenary Retail Distribution License shall be issued in a municipality unless and until the number of such licenses existing in the municipality is fewer the one (1) for each 7,500 of its population as shown on the last preceding Federal Census; and

**WHEREAS**, the Federal Census figure for 2000 Census has been certified by the New Jersey Secretary of State Department; and

**WHEREAS**, pursuant to such certified figures, the population of Franklin is 50,903 persons; and

**WHEREAS**, as a result of the foregoing, there exists in the Township of Franklin the authority to issue two (2) Plenary Retail Consumption License and one (1) Plenary Retail Distribution License for the sale of alcoholic beverages; and

**WHEREAS**, pursuant to NJSA 33:1-19.3, it is the desire of the Township of Franklin, Somerset County to accept sealed bids for said license as required by law subject to the terms and conditions herein specified;

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

1. The Township of Franklin hereby determines that it will sell at public sale one (1) Plenary Retail Consumption License and one (1) Plenary Retail Distribution License for the sale of alcoholic beverages, in accordance with the procedure set forth in NJSA 33:1-19.3 et seq.
2. The Township Clerk shall publish a notice of proposed issuance of the alcoholic beverage license. The notice shall provide the following:
  - a. The Township, by resolution, has determined to consider the issuance of (1) Plenary Retail Consumption License and one (1) Plenary Retail Distribution License by public sale to the highest qualified bidder and invites bids therefore.
  - b. The Notice shall be published in the Courier News not less than two (2) times, which publications shall not be less than one (1) week apart. The second or last notice shall be published at least thirty (30) days before the date established to open all bids from qualified bidders. The minimum time period that must be allowed for bidders to apply for the License is twenty-five (25) days after the second publication.
  - c. All prospective bidder for the license shall apply by submitting to the Clerk of the Township of Franklin in full and complete eleven (11) page application form; a separately sealed envelope with the applicant's bid and bid deposit fee; and a separate Certification of Proof of Compliance by the applicant that it meets any and all special conditions or requirements contained in the

Notice and knows of no reason he or she would be disqualified from having an interest in a Retail License in New Jersey.

- d. The Notice will advise that all bids will be sealed and that the minimum bid for this new consumption license shall be \$300,000.00 along with any terms and conditions related to the bid process, such as deposits, returns, forfeitures, etc.
  - e. The Notice will advise that all bids will be sealed and that the minimum bid for this new distribution license shall be \$300,000.00 along with any terms and conditions related to the bid process, such as deposits, returns, forfeitures, etc.
  - f. The Notice shall state the Township reserves the right to reject all bids if the highest bid is not accepted. A sale may be postponed or canceled at any time prior to opening of the bids.
  - g. The Notice shall specify the time, place and last date that applications and bids will be accepted. Also indicate therein will be the requirement that the Clerk of the Governing Body shall publicly announce those applicants who presumptively meet the qualification for bidding as fixed by law, rules and regulations and the enabling resolution and Notice. This public announcement must occur not less than five (5) days prior to the date of opening the sealed bids.
  - h. The time, place and date that the sealed bids will be opened must also be specified in the Notice, which must be no sooner than five (5) days after the public announcement of all presumptively qualified bidders. No bids will be opened from or on behalf of any bidder who does not qualify or has not submitted proof of qualification (full and complete eleven (11) page ABC application form and Certification of Proof of Compliance).
  - i. At the designated time, place and date, the sealed bids will be open and all bid amounts and the highest bid amount will be declared. If the issuing authority determines to reject all bids they shall do so by formal resolution. If they determine to accept the highest qualified bid, that also shall be done by resolution under the conditions that the ultimate issuance of the license will be subject to payment of the balance of the bid price; payment of the State \$250.00 Application Fee; satisfactory outcome of further municipal background checks to investigate the source of funds used to purchase the license and the receipt of favorable State and/or Federal criminal background checks; and the compliance with the publication, hearing and resolution requirement under NJAC 13:2-2.1 et. seq.
3. The minimum bid price for the Retail Consumption license shall be \$300,000.00;
  4. The minimum bid price for the Plenary Retail Distribution license shall be \$300,000.00;
  5. Wednesday, July 21, 2004, 12:00 noon at the Office of the Township Clerk, 475 DeMott Lane, Somerset , New Jersey is hereby fixed as the last date and time that applications and bids will be accepted;
  6. Thursday, July 22, 2004, 12:00 noon at the Office of the Township Clerk, 475 DeMott Lane, Somerset. New Jersey is hereby fixed as the date, time and location for a public announcement of all presumptively qualified bidders;

7. Thursday, July 29, 2004 at 12 noon at the Municipal Building, 475 DeMott Lane is hereby fixed as the date, time and location when sealed bids will be opened and all bid amounts and the highest bid amount will be declared;
8. Tuesday, August 10, 2004 at 8:00 p.m. a Resolution accepting the highest bid amount will be declared and a Resolution accepting the highest bid or rejecting all bids, as the case may be, shall be adopted;
9. Ten 10% of the purchase price shall accompany the sealed bid. The deposit shall be cash, certified check or cashier check;
10. Nothing contained herein shall be deemed to excise or relieve an applicant from compliance with all applicable laws, regulations and ordinances including, without limitation, compliance with all provisions of Chapter 75, Alcoholic Beverages, of the Township Code;
11. The Township reserves the right to reject any and all bids where the highest bid is not accepted.

**Appointment** Teresa Danile as Liaison to the Board of Education and Recreation Advisory Council each for unexpired one-year terms expiring 12/31/04.

**Appointment** Michael Orsini as Shade Tree Commission Member to the Open Space Advisory Committee for a term concurrent to his term on the Shade Tree Commission.

**Appointment** Theodore Chase as Planning Board Member to the Open Space Advisory Committee for a term concurrent to his term on the Planning Board.

**Appointment** Fred McKenzie as Sewerage Authority Council Liaison for an unexpired one-year term expiring 12/31/04.

**Appointment** The following were appointed to the Franklin Township Municipal Cross-Acceptance Committee: Ellen Ritchie and Theodore Chase as Planning Board Members; Fred McKenzie as Council Member and Khaliah Stewart, Township Planner as Staff/Consultant Technical Resource Person.

#### **RESOLUTION, CONSIDERED SEPARATELY**

**Resolution #04-272** Direct the Planning Board to determine whether properties in the Route 27 from Bennetts Lane to Veronica Avenue are in need of redevelopment and/or rehabilitation and to evaluate said area in terms of redevelopment and/or rehabilitation criteria.

A brief discussion ensued regarding how the Township was going to pay for the study. IT was recommended that the developer pay for the study. The resolution was amended to include wording that the "developer will reimburse the Township all costs involved with said investigation and report". Mr. Unger expressed his strong opposition to said resolution.

Upon motion by Deputy Mayor McKenzie, seconded by Mr. Sumter, the following resolution was adopted 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	Unger		Chivukula
Eberle	Levine			Regan
McKenzie	Sumter			

**WHEREAS**, the Township Council of the Township of Franklin, Somerset County directs the Franklin Township Planning Board to undertake an investigation to determine whether

properties in the Route 27 from Bennetts Lane to Veronica Avenue area, specifically shown on the attached map, are in need of redevelopment and/or rehabilitation; and

**WHEREAS**, pursuant to **NJSA 40A:12A-6**, a map of the above described properties must be prepared and said properties must be evaluated in terms of redevelopment and/or rehabilitation criteria and then must be delineated as areas in need of redevelopment and/or rehabilitation; and

**WHEREAS**, the Township will choose the professional that will prepare the report involving the investigation to determine whether properties in the Route 27 from Bennetts Lane to Veronica Avenue area, specifically shown on the attached map, are in need of redevelopment and/or rehabilitation and the Developer will reimburse the Township all costs involved with said investigation and report;

**BE IT RESOLVED** by the Township Council of the Township of Franklin, in the County of Somerset and State of New Jersey that the Planning Board is hereby authorized and assigned to:

- (1) Conduct a preliminary investigation pursuant to **NJSA 40A:12A-6** to determine whether the area on the attached map qualifies as a redevelopment area according to the criteria set for in **NJSA 40A:12A-5**;
- (2) Make a determination, after conducting a hearing and completing the investigation, as to whether or not the delineated area, or any part of it, is an appropriate redevelopment area in accordance with the statute; and
- (3) Report that determination to the Township Council.

**BE IT FURTHER RESOLVED** the Township will choose the professional that will prepare the report involving the investigation to determine whether properties in the Route 27 from Bennetts Lane to Veronica Avenue area, specifically shown on the attached map, are in need of redevelopment and/or rehabilitation and the Developer will reimburse the Township all costs involved with said investigation and report.

#### **APPOINTMENT TO BE CONSIDERED SEPARATELY**

A motion was made by Deputy Mayor McKenzie, seconded by Ms. Ashley-Williams to appoint Raymond Betterbid as Zoning Board of Adjustment Alternate #2 for an unexpired two-year term expiring 12/31/04. Said motion 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	Unger		Chivukula
Eberle	McKenzie	Levine		Regan
Sumter				

#### **ADJOURNMENT**

Deputy Mayor McKenzie moved to adjourn the meeting at 10:59 p.m. Said motion was seconded by Ms. Ashley-Williams and carried unanimously upon voice vote.

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Brian D. Levine, Mayor

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Ann Marie McCarthy, Township Clerk

Approved:  
Date: